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No. 43] NEW DELHI, SATURDAY, OCTOBER 26, 1974/KARTIKA 4, 1896

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केंद्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आदेश और अधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

वित्त मंत्रालय
(बैंकिंग विभाग)

नई दिल्ली, 11 अक्तूबर, 1974

क्र० आ० 2800.—राज्य वित्तीय निगम अधिनियम, 1951 (1951 का 63), जिसे आगे "अधिनियम" कहा गया है, की धारा 46 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार एतद्वारा निर्देश देती है कि उक्त अधिनियम की धारा 27, 32क और 41क के उपबन्ध तमिलनाडु इंडस्ट्रियल इन्वेस्टमेंट कारपोरेशन लि०, मद्रास पर लागू होंगे।

[सं० 11-35/74-आई० एफ० 2]

डी० के० सेन, उप सचिव

MINISTRY OF FINANCE
(Department of Banking)

New Delhi, the 11th October, 1974

S.O. 2800.—In exercise of the powers conferred by section 46 of the State Financial Corporations Act, 1951 (LXIII of 1951), hereinafter referred to as "the Act", the Central Government hereby directs that provisions of Sections 27, 32A and 41A of the Act shall apply to the Tamil Nadu Industrial Investment Corporation Ltd., Madras.

[No. 11-35/74/IF II]

D. K. SEN, Dy. Secy.

प्राथमिक कार्य विभाग

(भारतीय पूर्ण अक्षय निधि के कोषपाल का कार्यालय)

नयी दिल्ली, 17 अक्तूबर, 1974

शुद्धि पत्र

आ० क्र० 2801.—10 अगस्त, 1974 के भारत के राजपत्र के भाग II, खण्ड 3, उपखण्ड (ii) के पृष्ठ 2158 से 2183 तक में प्रकाशित भारत सरकार, वित्त मंत्रालय, प्राथमिक कार्य विभाग (भारतीय पूर्ण अक्षय निधि के कोषपाल का कार्यालय) की अधिसूचना संख्या आ० आ० 1982 दिनांक 15 जून 1974 के पृष्ठ संख्या 2174-2175 पर केम संख्या 28 तथा उससे सम्बन्धित प्रविष्टि के बाद यह जोड़ा जाये :—

1	2	3	4	5	6
1. भूतपूर्व मंगली	निदेशक शिक्षा	3 प्रतिशत रूपान्तरण			
रियासत द्वारा	महाराष्ट्र]	अणु 1946—			
रखा गया]]	राज्य, पूना	3 प्रति			
		49,100			
कग एडवर्ड		शत अणु]			
मेमोरियल फंड	1896-97	50,3000			***

7	8	9	10	11
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***चूकि निधि की मिक्चोरिटीयों के सम्बन्ध में आय कर छूट प्रमाण पत्र प्राप्त न होने के कारण उन्हें सुरक्षित रखने के लिए भारतीय रिजर्व बैंक, बम्बई के पास नहीं रखा गया था, इसलिए 1973-74 में उन प्रतिभूतियों पर श्याज नहीं मिला था :

[संख्या एफ० 1/1/74 टी०सी०ई०]

मंगल राम पाल, काषपाल

DEPARTMENT OF ECONOMIC AFFAIRS
(Office of the Treasurer of Charitable Endowments for India)

New Delhi, the 17th October, 1974

CORRIGENDUM

S.O. 2801.—In the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs (Office of the Treasurer of Charitable Endowments for India) No. S. O. 1982, dated the 15th June, 1974, published at pages 2158-2183 of Gazette of India, Part II- Section 3-Sub-Section (ii) dated the 10th August, 1974-at pages 2174-2175, after Case No. 28 and the entries relating thereto, Insert—

1	2	3	4	5	6	7	8	9	10	11
29.	King Edward Memorial Trust Fund, maintained by Ex-Sangli State.	Director of Education, Maharashtra, State, Poona.	3% Conversion Loan 1946-49, 100% Loan 50,3000 . 1896-97-1,200							

*** Interest on the Securities of the Fund was not received during the year 1973-74, as pending receipt of Income Tax exemption Certificate the Securities were not lodged with Reserve Bank of India, Bombay for safe custody and collection of interest during that year.

[No. F. 1/1/74-TCE]

M. D. PAL,
Treasurer

वाणिज्य मन्त्रालय

नई दिल्ली, 26 अक्टूबर, 1974

क्र० आ० 2802:—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा सल्फ्यूरिक अम्ल निर्यात (निरीक्षण) नियम, 1973 में और आगे संशोधन के लिए निम्नलिखित नियम बनाती है :—

1. (1) इन नियमों का नाम सल्फ्यूरिक अम्ल निर्यात (निरीक्षण) संशोधन नियम, 1974 है ।

(2) ये राजपत्र में प्रकाशित होने की तारीख को प्रवृत्त होंगे ।

2. सल्फ्यूरिक अम्ल निर्यात (निरीक्षण) नियम, 1973 में नियम 7 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्—

“7. अपील (1) नियम 1 के उप-नियम (4) के अधीन अधिकरण द्वारा प्रमाण-पत्र देने के इस्तेमाल से व्यक्ति कोई व्यक्ति उसके

द्वारा ऐसे इस्तेमाल की सूचना प्राप्त होने पर 10 दिन के भीतर इसके लिए केन्द्रीय सरकार द्वारा नियुक्त कम से कम तीन और अधिक से अधिक मानव व्यक्तियों के विशेषज्ञों के पैनल के समक्ष अपील कर सकेगा ।

(2) विशेषज्ञों के पैनल की कुल सदस्यता का कम से कम दो-तिहाई गैर-सरकारी सदस्यों का होगा ।

(3) पैनल का कोरम तीन का होगा ।

(4) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा ।

(5) प्राप्त होने पर 15 दिनों के भीतर अपील का निपटारा किया जाएगा ।

[सं० 6(5)/74 नि०नि० तथा नि०म०]

MINISTRY OF COMMERCE

New Delhi, the 26th October, 1974

S.O. 2802.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Sulphuric Acid (Inspection) Rules, 1973.

1. (1) These rules may be called the Export of Sulphuric Acid (Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Sulphuric Acid (Inspection) rules, 1973, for rule 7 the following rule shall be substituted, namely :—

“7. Appeal—(1) Any person aggrieved by refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons, appointed for the purpose by the Central Government.

(2) At least two-thirds of the total membership of the panel of experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt.”

[No. 6(5)/74-EI&EP]

क्र० आ० 2803:—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा बैक्युम फ्लास्क निर्यात (निरीक्षण) नियम, 1968 में और आगे संशोधन के लिए निम्नलिखित नियम बनाती है :—

1 (1) इन नियमों का नाम बैक्युम फ्लास्क निर्यात (निरीक्षण) संशोधन नियम, 1974 है ।

(2) ये राजपत्र में प्रकाशित होने की तारीख को प्रवृत्त होंगे ।

2. बैक्युम फ्लास्क निर्यात (निरीक्षण) नियम, 1968 में नियम 7 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्—

“7. अपील—(1) नियम 4 के उप-नियम (4) के अधीन अधिकरण द्वारा प्रमाण-पत्र देने के इस्तेमाल से व्यक्ति कोई व्यक्ति

उसके द्वारा ऐसे इंकार की सूचना प्राप्त होने के 10 दिन के भीतर इसके लिए, केन्द्रीय सरकार द्वारा नियुक्त कम से कम और अधिक से अधिक सात व्यक्तियों के विशेषज्ञों के पैनल के समक्ष अपील कर सकेगा।

- (2) विशेषज्ञों की पैनल की कुल सदस्यता का कम से कम दो-तिहाई गैर-सरकारी सदस्यों का होगा।
- (3) पैनल का कोरम तीन का होगा।
- (4) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा।
- (5) प्राप्त होने पर 15 दिनों के भीतर अपील का निपटारा किया जाएगा।

[सं० 6(5)/74-नि० तथा नि०सं०]

S.O. 2803.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Vacuum Flasks (Inspection) Rules, 1968.

1. (1) These rules may be called the Export of Vacuum Flasks (Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Vacuum Flasks (Inspection) rules, 1968, for rule 7 the following shall be substituted, namely:—

“7. Appeal—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (5) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons, appointed for the purpose by the Central Government.

(2) At least two-thirds of the total membership of the panel of experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt.”

[No. 6(5)/74-EI&EP.]

का० आ० 2804.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा अकार्बनिक वर्णक निर्यात (निरीक्षण) नियम, 1966 में और आगे संशोधन के लिए निम्नलिखित नियम बनाती है:—

1. (1) इन नियमों का नाम अकार्बनिक वर्णक निर्यात (निरीक्षण) संशोधन नियम, 1974 है।

(2) ये उनके राजपत्र में प्रकाशित होने की तारीख को प्रवृत्त होंगे।

2. अकार्बनिक वर्णक निर्यात (निरीक्षण) नियम, 1966 में नियम 8 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:—

“8. अपील—(1) नियम 4 के उप-नियम (4) के अधीन अभिकरण द्वारा प्रमाणपत्र देने के इंकार से व्यक्ति कोई व्यक्ति उसके द्वारा ऐसे इंकार की सूचना प्राप्त होने पर 10 दिन के भीतर इसके लिए, केन्द्रीय सरकार द्वारा नियुक्त कम से कम तीन और अधिक से अधिक सात व्यक्तियों के विशेषज्ञों के पैनल के समक्ष अपील कर सकेगा।

(2) विशेषज्ञों के पैनल की कुल सदस्यता का कम से कम दो-तिहाई गैर-सरकारी सदस्यों का होगा।

(3) पैनल का कोरम तीन का होगा।

(4) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा।

(5) प्राप्त होने के 15 दिनों के भीतर अपील का निपटारा किया जाएगा।

[सं० 6(5)/74-नि० तथा नि०सं०]

S.O. 2804.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Inorganic Pigments (Inspection) Rules, 1966.

1. (1) These rules may be called the Export of Inorganic Pigments (Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Inorganic Pigments (Inspection) rules, 1966, for rule 8 the following rule shall be substituted, namely:—

“8. Appeal—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons, appointed for the purpose by the Central Government.

(2) At least two-thirds of the total membership of the panel of experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt.”

[No. 6(5)/74-EI&EP]

का० आ० 2805.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निर्यात कांच निर्यात (निरीक्षण) नियम, 1969 में और आगे संशोधन के लिए निम्नलिखित नियम बनाती है:—

1. (1) इन नियमों का नाम निर्यात कांच निर्यात (निरीक्षण) संशोधन नियम, 1974 है।

(2) ये राजपत्र में प्रकाशित होने की तारीख को प्रवृत्त होंगे।

2. निर्यात कांच निर्यात (निरीक्षण) नियम, 1969 में नियम 8 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:—

“8. अपील—(1) नियम 4 के उप-नियम (4) के अधीन अभिकरण द्वारा प्रमाणपत्र देने के इंकार से व्यक्ति कोई व्यक्ति उसके द्वारा ऐसे इंकार की सूचना प्राप्त होने पर 10 दिन के भीतर इसके लिए, केन्द्रीय सरकार द्वारा नियुक्त कम से कम तीन और अधिक से अधिक सात व्यक्तियों के विशेषज्ञों के पैनल के समक्ष अपील कर सकेगा।

(2) विशेषज्ञों के पैनल की कुल सदस्यता का कम से कम दो-तिहाई गैर-सरकारी सदस्यों का होगा।

(3) पैनल का कोरम तीन का होगा।

(4) ऐसी अपील का विनिश्चय अन्तिम होगा ।

(5) प्राप्त होने पर 15 दिनों के भीतर अपील का निपटान किया जाएगा ।

[सं० 6(5)/74 नि० नि० तथा नि० सं०]

S.O. 2805.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Safety Glass (Inspection) Rules, 1973.

1. (1) These rules may be called the Export of Safety Glass (Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Export of Safety Glass (Inspection) rules, 1969, for rule 8 the following rule shall be substituted, namely :—

“Appeal—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons, appointed for the purpose by the Central Government.

(2) At least two-thirds of the total membership of the panel of experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt.”

[No. 6(5)/74 EI & EP]

का० धा० 2806—निर्यात (स्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा धुलाई साबुन निर्यात (निरीक्षण) नियम, 1966 में और आगे संशोधन के लिये निम्नलिखित नियम बनाती है :—

1. (1) इन नियमों का नाम धुलाई साबुन निर्यात (निरीक्षण) संशोधन नियम, 1974 है ।

(2) ये राजपत्र में प्रकाशित होने की तारीख को प्रवृत्त होंगे ।

2. धुलाई साबुन निर्यात (निरीक्षण) नियम, 1966 में नियम 7 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :—

“7. अपील—(1) नियम 4 के उप-नियम (4) के अधीन अधि-करण द्वारा प्रमाणपत्र देने के इन्कार से व्यथित कोई व्यक्ति उसके द्वारा ऐसे इन्कार की सूचना प्राप्त होने पर 10 दिन के भीतर इसके लिये केन्द्रीय सरकार द्वारा नियुक्त कम-से-कम तीन और अधिक से अधिक सात व्यक्तियों के पैनल के समक्ष अपील कर सकेगा ।

(2) विशेषज्ञों के पैनल की कुल सदस्यता का कम-से-कम दो तिहाई गैर-सरकारी सदस्यों का होगा ।

(3) पैनल का कोरम तीन का होगा ।

(4) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा ।

(5) प्राप्त होने पर 15 दिन के भीतर अपील का निपटान किया जाएगा ।

[सं० 6(5)/74-नि० नि० तथा नि० सं०]

S.O. 2806.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the export of Laundry Soap (Inspection) Rules, 1966

1. (1) These rules may be called to Export of Laundry Soap (Inspection) Amendment Rules, 1974.

(2) They shall come into force on the the date of their publication in the official gazette.

2. In the Export of Laundry Soap (Inspection) rules, 1966, for rule 7 the following rule shall be substituted, namely :—

“7. Appeal :—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons, appointed for the purpose by the Central Government.

(2) At least two-thirds of the total membership of the of experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt”.

[No. 6 (5)/74-EI & EP]

का० धा० 2807—निर्यात (स्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा कार्बनिक रसायन निर्यात (निरीक्षण) नियम, 1966 में और आगे संशोधन के लिये निम्नलिखित नियम बनाती है :—

1. (1) इन नियमों का नाम कार्बनिक रसायन निर्यात (निरीक्षण) संशोधन नियम 1974 है ।

(2) ये राजपत्र में प्रकाशित होने की तारीख को प्रवृत्त होंगे ।

2. कार्बनिक रसायन निर्यात (निरीक्षण) नियम, 1966, में नियम 7 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :—

“7. अपील—(1), नियम 4 के उप-नियम (4) के अधीन प्रमाणपत्र देने के इन्कार से व्यथित कोई व्यक्ति, उसके द्वारा ऐसे इन्कार की सूचना प्राप्त होने पर 10 दिनों के भीतर इस कार्य के लिये केन्द्रीय सरकार द्वारा नियुक्त कम से कम तीन और अधिक से अधिक सात व्यक्तियों के विशेषज्ञों के पैनल के लिये समक्ष अपील कर सकेगा ।

(2) विशेषज्ञों के पैनल की कुल सदस्यता का कम से कम दो-तिहाई गैर-सरकारी सदस्यों का होगा ।

(3) पैनल का कोरम तीन का होगा ।

(4) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा ।

(5) इसके प्राप्त होने के 15 दिन के भीतर अपील का निपटान किया जाएगा ।

[सं० 6(5)/74-नि० नि० तथा नि० सं०]

के०वी० बालसुब्रह्मण्यम्,
उप-निदेशक

S.O. 2807.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Organic Chemicals (Inspection) Rules, 1966.

1. (1) These rules may be called the Export of Organic Chemicals (Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Export of Organic Chemicals (Inspection) rules, 1966, for rule 7 the following rule shall be substituted, namely :—

“7. Appeal :— (1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons appointed for the purpose by the Central Government.

(2) At least two-thirds of the total membership of the panel of experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt”.

[No. 6 (5)/74-EI & EP]

K. V. BALASUBRAMANIAN, Dy. Director.

मुख्य नियंत्रक, आयात-निर्यात का कार्यालय,

नयी दिल्ली 1974

आदेश

का० आ० 2808.—सर्वश्री भारत इलेक्ट्रॉनिक्स लि०, जालाहली, बंगलूर-13 को उष्ण और शीत चेम्बर के आयात के लिए मुक्त विदेशी मुद्रा के अधीन एक आयात लाइसेंस सं० आई०/सी०/2063737/सी०/एक्स एक्स 43/एच०/35 दिनांक 28-4-72 प्रदान किया गया था। उन्होंने लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि जारी करने के लिए हम कार्यालय को हम आधार पर आवेदन किया है कि मूल मुद्रा विनिमय नियंत्रण प्रति खो गई है।

अपने तर्कों के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि लाइसेंस सं० आई०/सी०/2063737/सी०/एक्स/43/एच०/35 दिनांक 28-4-72 की मूल मुद्रा विनिमय नियंत्रण प्रति खो गई है और निदेश देना है कि इसकी अनुलिपि प्रति उनको जारी की जानी चाहिए। उक्त लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति पुनर्द्वारा रद्द की जाती है।

[सं० सी०जी० 2/सी०ई०एफ०(2) 72-73]

आर० के० घोष,

उप मुख्य नियंत्रक,

उत्तम मुख्य नियंत्रक

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS AND EXPORTS

New Delhi, the , 1974

ORDER

S.O. 2808.— M/s. Bharat Electronics Ltd., Jalahalli Bangalore-13 were granted an import licence No. I/C/2063737/C/XX/43/H/35 dt. 28-4-1972 under free foreign exchange for import of Heat and Cold Chamber. They have requested

this office for the issue of a duplicate exchange control copy of the licence on the ground that the original exchange control copy has been lost.

In support of their contention, the applicant has filed an affidavit. The undersigned is satisfied that the original exchange control copy of licence No. I/C/2063737/C/XX/43/H/35 dt. 28-4-72 has been lost and directs that a duplicate exchange control copy of the licence should be issued to them. The original exchange control copy of the said licence is hereby cancelled.

[No. CG. II/DEF(II)/72-73]

R. K. GHOSH, Dy. Chief Controller
for Chief Controller.

मुख्य-मुख्य नियंत्रक, आयात-निर्यात का कार्यालय, (के० ला० २०)

नई दिल्ली, 14 फरवरी, 1974

आदेश

का० आ० 2809.—सर्वश्री रैनबो इंडस्ट्रीज, 9986, बलदेव भवन, सराय रुहेया, न्यू रोहतक रोड, नई दिल्ली को सामान्य मुद्रा क्षेत्र से प्लास्टिक किस्म, आदि की गुच्छिलक प्लास्टिक शीट्स के आयात के लिए 5000 रु० के लिए वास्तविक उपयोगिता श्रेणी के अन्तर्गत एक आयात लाइसेंस संख्या पी/एस/1801817/, दिनांक 24-8-73 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति को जारी करने के लिए हम आधार पर आवेदन किया है कि उनकी मूल प्रति बिलकूल उपयोग किए बिना खो गई/अस्थानस्थ हो गई है।

2. आवेदक ने उपर्युक्त व्यापार के समर्थन में आयात व्यापार नियंत्रण हेतु, नियम तथा क्रियाविधि, 1973-74 के पैरा 320 के अन्तर्गत यथा अश्विन एक शपथपत्र दाखिल किया है। मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल प्रति खो गई / अस्थानस्थ हो गई है।

3. आयात नियंत्रण आदेश, 1955, दिनांक 7-12-1955 की धारा 9 (सी सी) के अन्तर्गत मेरे लिए प्रवक्त अधिकारों का प्रयोग कर, मैं उक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति को रद्द करने का आदेश देता हूँ।

4. आयात व्यापार नियंत्रण हेतु, नियम तथा क्रियाविधि, 1973-74 के पैरा 320 (4) की व्यवस्थाओं के अनुसार उपर्युक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति अब आवेदक को जारी की जा रही है।

[क० सं० एपी/आर० 10/एएम. 74/एयू. यूटी./सीएलए/4834]

OFFICE OF THE JT. CHIEF CONTROLLER OF IMPORTS & EXPORTS

New Delhi, the 14th February, 1974

ORDERS

S.O. 2809.—M/s. Rainbow Industries, 9986, Baldeo Bhanwan, Sarai Rohilla, New Rohtak Road, New Delhi-5 were granted the import licence No. P/S/1801817 dated 24-8-73 for Rs. 5000/- from G.C.A. under Actual User Category for the import of Acrylic Plastic Sheets of Pearlescent variety etc. They have applied for the issue of duplicate Customs Purpose copy of the said licence on the ground that the original copy thereof has been lost/misplaced without having been utilised at all.

2. The applicant has filed an affidavit in support of the above statement, as required under para 320 of I.T.C. Hand Book of Rules & Procedure, 1973-74. I am satisfied that the original copy of the said licence has been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) of Import Control Order, 1955 dated 7-12-1955, I order the cancellation of the Customs Purpose copy of the said licence.

4. The applicant is now being issued duplicate Custom Purpose copy of the aforesaid licence in accordance with the provision of para 320(4) of the I.T.C. Hand Book of Rules & Procedure, 1973-74.

[F. No. NP/R. 10/AM. 74/AU. UT/CLA/4834]

का० आ० 2810—मर्वश्री स्टार रेडियो इंडस्ट्रीज (इंडिया), 162-डी, कमला नगर, दिल्ली को माभास्य मुद्रा क्षेत्र में अप्रैल-मार्च, 73 रेडबुक (वा० 1) की परिशिष्ट 43 के अनुसार द्यूनिग कोयलप के लिए अनुमेय सघटको/कल्ले माल के आयात के लिए 5000 रुपये के लिए वास्तविक उपयोगता श्रेणी के अन्तर्गत आयात लाइसेंस सख्या पी०/एम/ 1719673, दिनांक 10-11-72 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति के जारी करने के लिए इस आधार पर आवेदन किया है कि उनकी मूल प्रति बिल्कुल उपयोग किए बिना खो गई/अस्थानस्थ हो गई है।

2. आवेदक ने उपर्युक्त बयान के समर्थन में आयात व्यापार नियंत्रण हेडबुक, नियम तथा क्रियाविधि, 1973-74 के पैरा 320 के अन्तर्गत यथा अपेक्षित एक शपथपत्र दाखिल किया है। मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल प्रति खो गई है/अस्थानस्थ हो गई है।

3. आयात नियंत्रण आदेश, 1955, दिनांक 7-12-1955 की धारा 9 (सी सी) के अन्तर्गत मेरे लिए प्रदत्त अधिकारों का प्रयोग कर, मैं उक्त लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति को रद्द करने का आदेश देता हूँ।

4. आयात व्यापार नियंत्रण हेडबुक, नियम तथा क्रियाविधि, 1973-74 के पैरा 320 (1) की व्यवस्थाओं के अनुसार उपर्युक्त लाइसेंस की अनुलिपि मुद्रा विनिमय नियंत्रण प्रति अब आवेदक को जारी की जा रही है।

[फ०सं० पी०/एस०-21/एन/एम०-72/एयू० यूटी०/सी०एन० ए०/4796]

S.O. 2810.—M/s. Star Radio Industries (India), 162-D, Kamla Nagar, Delhi were granted the import licence No. P/S/1719673 dated 10-11-72 for Rs. 5000/- from G.C.A. under Actual User Category for the import of Permissible components/Raw materials for Tuning Coils as per Appendix 43 of AM. 73 Red Book (Vol. I). They have applied for the issue of duplicate Exchange Control copy of the said licence on the ground that the original copy thereof has been lost/misplaced without having been utilised at all.

2. The applicant has filed an affidavit in support of the above statement, as required under para 320 of I.T.C. Hand Book of Rules & Procedure, 1973-74. I am satisfied that the original copy of the said licence has been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) of Import Control Order, 1955 dated 7-12-1955, I order the cancellation of the Exchange Control copy of the said licence.

4. The applicant is now being issued duplicate Exchange Control copy of the aforesaid licence in accordance with the provision of para 320(4) of the I.T.C. Hand Book of Rules & Procedure, 1973-74.

[F. No. P/S-21/N/AM. 72/AU. UT/CLA/4796]

रद्द करने का आदेश

का० आ० 2811.—मर्वश्री रेनश्री इंडस्ट्रीज, 8896, बल्लभ भवन, मराय रुहेला, न्यू राहतार रोड, नई दिल्ली को सामान्य मुद्रा क्षेत्र में पर्लमेन्ट किम्म, आदि की एंक्रिप्टिक प्लास्टिक शीट्स के आयात के लिए

5,000 रुपये के लिए वास्तविक उपयोगता श्रेणी के अन्तर्गत एक आयात लाइसेंस सख्या पी०/एम/1720183, दिनांक 28-12-72 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति को जारी करने के लिए इस आधार पर आवेदन किया है कि उनकी मूल प्रति बिल्कुल उपयोग किए बिना खो गई/अस्थानस्थ हो गई है।

2. आवेदक ने उपर्युक्त बयान के समर्थन में आयात व्यापार नियंत्रण हेडबुक, नियम तथा क्रियाविधि, 1973-74 के पैरा 320 के अन्तर्गत यथा अपेक्षित एक शपथपत्र दाखिल किया है। मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल प्रति खो गई/अस्थानस्थ हो गई है।

3. आयात नियंत्रण आदेश, 1955, दिनांक 7-12-1955 की धारा 9 (सी सी) के अन्तर्गत मेरे लिए प्रदत्त अधिकारों का प्रयोग कर, मैं उक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति को रद्द करने का आदेश देता हूँ।

4. आयात व्यापार नियंत्रण हेडबुक, नियम तथा क्रियाविधि, 1973-74 के पैरा 320 (4) की व्यवस्थाओं के अनुसार उपर्युक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति अब आवेदक को जारी की जा रही है।

[फ०सं० एनपी/आर-4/ एएम-73/एयू-यूटी/ सीएनए/4912]

ओ० एन० आनन्द,
उप-मुख्य नियंत्रक,
रुते मुख्य नियंत्रक

S.O. 2811.—M/s. Rainbow Industries, 9986, Baldeo Bhan, Sarai Rohilla, New Rohtak Road, New Delhi were granted an import licence No. P/S/1720183 dated 28-12-72 for Rs. 5000/- from G.C.A. under Actual User Category for the import of Acrylic Plastic Sheets of Pearlascent variety etc. etc. They have applied for the issue of duplicate Custom Purpose copy of the said licence on the ground that the original copy thereof has been lost/misplaced without having been utilised at all.

2. The applicant has filed an affidavit in support of the above statement, as required under para 320 of I.T.C. Hand Book of Rules & Procedure, 1973-74. I am satisfied that the original copy of the said licence has been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) of Import Control Order, 1955 dated 7-12-1955, I order the cancellation of the Customs Purpose copy of the said licence.

4. The applicant is now being issued duplicate Custom Purpose copy of the aforesaid licence in accordance with the provision of para 320(4) of the I.T.C. Hand Book of Rules & Procedure, 1973-74.

[F. No. NP/R-4/AM. 73/AU. UT/CLA/4912]

O. N. ANAND, Dy. Chief Controller
for Jt. Chief Controller.

नई दिल्ली 28 मार्च 1974

आदेश

का० आ० 2812.—मर्वश्री रामा ट्रेडर्स, 24/153, शक्ति नगर, दिल्ली के जोरम कार्बन ध्वान्त खद्वरों आदि के आयात के लिए वास्तविक उपयोगता श्रेणी के अन्तर्गत अन्तर्राष्ट्रीय विकास अधिकरण में 5000 रुपये के लिये एक आयात लाइसेंस नं० पी०/एम/1695404/ सी० दिनांक 29-4-71 प्रदान किया गया था। उन्होंने 1362 रुपये की शेष धनराशि के लिए उक्त लाइसेंस की मुद्रा विनिमय नियंत्रण

प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनियम नियंत्रण प्रति 1362 रुपये के लिए उपयोग किए बिना खो गई/अस्थानस्थ हो गई है।

अपने तर्क के समर्थन में आवेदक ने आयात व्यापार नियंत्रण, नियम तथा क्रियाविधि हैडबुक, 1973-74 के पैरा 320 के अन्तर्गत यथा अपेक्षित एक शपथ पत्र स्टाम्प कागज पर दाखिल किया है। मैं संतुष्ट हूँ कि लाइसेंस की मूल सीमाशुल्क निकासी प्रति और मुद्रा विनियम नियंत्रण प्रति खो गई/अस्थानस्थ हो गई है।

अद्यतन यथासंशोधित आयात नियंत्रण आदेश, 1955 दिनांक 7-12-1955 के खंड 9 (सी सी) द्वारा प्रदत्त अधिकारी का प्रयोग करने हुए उक्त लाइसेंस की मुद्रा विनियम नियंत्रण प्रति को रद्द करने का आदेश देता हूँ।

अब आवेदक को पूर्वोक्त लाइसेंस की मुद्रा विनियम नियंत्रण प्रति की अनुलिपि आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हैडबुक, 1973-74 के पैरा 320 (4) की शर्त के अनुसार जारी की जा रही है।

[संख्या : पी/आर-23 (एन) ए.एम.-71/ए. यू. यू. टी/पी एन ए 6088]

New Delhi, the 28th March, 1974

ORDER

S.O. 2812.—M/s. Rama Traders, 24/153, Shakti Nagar, Delhi were granted import licence No. P/S/1695404/C dated 29-4-71 for Rs. 5000/- from I.D.A. under Actual User Category for import of Plain Carbon Steel Sheets etc. They have applied for the issue of duplicate Exchange Control copy of the said licence for the balance amount of Rs. 1362/- on the ground that the original copy thereof has been lost/misplaced without having been utilised for Rs. 1362/-.

2. The applicant has filed an affidavit in support of the above statement, as required under para 320 of I.T.C. Hand Book of Rules & Procedure, 1973-74. I am satisfied that the original copy of the said licence has been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) of Import Control Order, 1955 dated 7-12-1955, I order the cancellation of the Exchange Control copy of the said licence.

4. The applicant is now being issued duplicate Exchange Control copy of the aforesaid licence in accordance with the provision of para 320(4) of the I.T.C. Hand Book of Rules & Procedure, 1973-74.

[F. No. P/R-23(N)/AM. 71/AU. UT/CLA. 6088]

क्रा० आ० 2813.—सर्वश्री रेनबो इन्डस्ट्रीज, 9986, बालदेव भवन, सराय रोहिल्ला, नई रोहताक रोड नई दिल्ली को 70 डिग्री सेन्टीग्रेड से ऊपर विकेट सोफनिंग पावर्ट के साथ रेजिड अनालास्टिसाइज्ड के आयात के लिए वास्तविक उपयोक्त श्रेणी के अन्तर्गत सामान्य मुद्रा क्षेत्र से 5000/- रुपये के लिए एक आयात लाइसेंस सं० पी/एम/1719842/सी दिनांक 4-12-72 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की सीमाशुल्क निकासी और मुद्रा विनियम नियंत्रण प्रतियों की अनुलिपियों के लिए इस आधार पर आवेदन किया है कि मूल प्रतियां बिल्कुल भी उपयोग किए बिना खो गई/अस्थानस्थ हो गई है।

अपने तर्क के समर्थन में आवेदक ने आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हैडबुक 1973-74 के पैरा 320 के अन्तर्गत यथा अपेक्षित एक शपथपत्र स्टाम्प कागज पर दाखिल किया है मैं संतुष्ट

हूँ कि लाइसेंस की मूल सीमाशुल्क निकासी प्रति और मुद्रा विनियम नियंत्रण प्रति खो गई/अस्थानस्थ हो गई है।

अद्यतन तथा संशोधित आयात नियंत्रण आदेश 1955 दिनांक 7-12-1955 के खंड 9 (सी सी) द्वारा प्रदत्त अधिकारी का प्रयोग करने हुए मैं उक्त लाइसेंस की सीमाशुल्क निकासी और मुद्रा विनियम नियंत्रण प्रतियों को रद्द करने का आदेश देता हूँ।

अब आवेदक को पूर्वोक्त लाइसेंस की सीमाशुल्क निकासी प्रति और मुद्रा विनियम नियंत्रण प्रति की अनुलिपियां आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हैडबुक 1973-74 के पैरा 320(4) की शर्त के अनुसार जारी की जा रही है।

[संख्या : एन पी/आर-5/ए.एम० 73/ए. यू. यू. टी/सी.एल.ए./6125]

S.O. 2813.—M/s. Rainbow Industries, 9986, Baldeo Bhan, Sarai Rohilla, New Rohtak Road, New Delhi were granted the import licence No. P/S/1719842/C dated 4-12-72 for Rs. 5000/- from GCA under Actual User Category for the import of Regid unplasticized Sheets with Vicar Softening Point above 70°C etc. They have applied for the issue of duplicate Custom Purpose & Exchange Control copies of the said licence on the ground that the original copies thereof have been lost/misplaced without having been utilised at all.

2. The applicant has failed an affidavit in support of the above statement, as required under para 320 of I.T.C. Hand Book of Rules & Procedure, 1973-74. I am satisfied that the original copies of the said licence has been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) of Import Control Order, 1955 dated 7-12-1955, I order the cancellation of the Custom Purpose & Exchange Control copies of the said licence.

4. The applicant is now being issued duplicate Custom Purpose and Exchange Control copies of the said licence in accordance with the provision of Para 320(4) of the I.T.C. Hand Book of Rules & Procedure, 1973-74.

[F. No. NP/R-5/AM 73/AU. UT/CLA/6125]

क्रा० आ० 2814.—सर्वश्री विक्रम इन्डस्ट्रीज, 238, इन्डस्ट्रियल एरिया, सन्डीगड को 0.6% से अधिक कार्बन की मात्रा के साथ कोल्ड रोलड हार्ड कार्बन स्टील्स के आयात के लिए 5000/- रुपये मूल्य का एक आयात लाइसेंस सं० पी/एम/1800659/सी दिनांक 31-3-73 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की सीमाशुल्क निकासी और मुद्रा विनियम नियंत्रण प्रतियों की अनुलिपियां जारी करने के लिए इस आधार पर आवेदन किया है कि मूल प्रतियां किसी भी सीमा शुल्क कार्यालय में पंजीकृत करार बिना और बिल्कुल भी उपयोग किए बिना अस्थानस्थ हो गई है/खो गई है।

अपने तर्क के समर्थन में आवेदक ने आयात व्यापार नियंत्रण, नियम तथा क्रियाविधि हैडबुक, 1973-74 के पैरा 320 के अन्तर्गत यथा अपेक्षित एक शपथ पत्र स्टाम्प कागज पर दाखिल किया है। मैं संतुष्ट हूँ कि लाइसेंस की मूल सीमाशुल्क निकासी प्रति और मुद्रा विनियम नियंत्रण प्रति खो गई/अस्थानस्थ हो गई है।

अद्यतन यथासंशोधित आयात नियंत्रण आदेश, 1955 दिनांक 7-12-1955 के खंड 9(सी सी) द्वारा प्रदत्त अधिकारी का प्रयोग करने हुए मैं उक्त लाइसेंस सं० पी/एम/1800659 दिनांक 31-3-73 की मूल सीमाशुल्क निकासी प्रति और मुद्रा विनियम नियंत्रण प्रतियों को रद्द करने का आदेश देता हूँ।

अब आवेदक को पूर्वोक्त लाइसेंस की सीमाशुल्क निकासी प्रति और मुद्रा विनिमय नियंत्रण प्रति की अनुमतिपत्रियां आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हैन्डबुक, 1973-74 के पैरा 320(4) की शर्तों के अनुसार जारी की जा रही है।

[संख्या : पी/बी० 3(एन)/सी एच/ए एम० 73/ए यू० यूटी/सीएलए/6162]

S.O. 2814.—M/s. Vikram Industries, 238, Industrial Area, Chandigarh were granted import licence No. P/S/1800659/C dated 31-3-73 for Rs. 5000/- for import of Cold Rolled High Carbon Strips with Carbon range above 0.6%. They have applied for issue of duplicate Custom & Exchange Control Purpose copies of the said licence on the ground that the original Custom Purpose & Exchange Control copies have been misplaced/lost without having been registered with any Custom House and unutilised at all.

2. The applicant has filed an affidavit on stamped paper in support of their contention as required under Para 320 of I.T.C. Hand Book of Rules & Procedure, 1973-74. I am satisfied that the original Custom & Exchange Control copies of the said licence have been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) of Import Trade Control Order, 1955 dated 7-12-1955 as amended, upto date. I order the cancellation of the Custom & Exchange Control copies of the said licence No. P/S/1800659 dt. 31-3-73.

4. The applicant is now being issued duplicate Custom and Exchange Control copies of the aforesaid licence in accordance with the provision of Para 320(4) of the I.T.C. Hand Book of Rules & Procedure, 1973-74.

[F. No. P/V. 3(N)/CH/AM. 73/AU. UT/CLA/6162]

आदेश

नई दिल्ली, 22 मई, 1974

क्रा० प्रा० 2815—सर्वश्री इन्डिया साइंटिफिक कं० 1562 चर्च रोड, कश्मीरी गेट, दिल्ली को यू० के० से ट्रान्स्पेरेन्ट एक्रिलिक शीट्स के आयात के लिए 5000 रु० का एक आयात लाइसेंस सं० पी/एस/1799170 सी दिनांक 3-2-73 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुमति सीमाशुल्क कार्यसंबंधी और मुद्राविनिमय नियंत्रण प्रतियों के लिए इस आधार पर आवेदन किया है कि उसी की मूल प्रतियां बिना उपयोग किए ही खो गई/अस्थानस्थ हो गई हैं।

2. अपने उपर्युक्त विवरण के समर्थन में आवेदक ने आयात व्यापार नियंत्रण नियम एवं क्रियाविधि हैन्डबुक, 1973-74 की कठिका 320 के अन्तर्गत प्रपेक्षित शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल प्रतियां खो गई/अस्थानस्थ हो गई हैं।

3 आयात व्यापार नियंत्रण आदेश, 1955 दिनांक 7-12-1955 की धारा 9(सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर मैं उक्त लाइसेंस की दोनों प्रतियों को रद्द करने का आदेश देता हूँ।

4. आवेदक को अब आयात व्यापार नियंत्रण नियम एवं क्रियाविधि हैन्डबुक 1973-74 की कठिका 320 की व्यवस्थाओं के अनुसार उक्त लाइसेंस की अनुमति सीमाशुल्क कार्य संबंधी एवं मुद्रा विनिमय नियंत्रण प्रतियां जारी की जा रही हैं।

[संख्या : एन पी/आई-2/ए एम० 73/ए यू० यूटी/सी एल ए/548]

के० आर० धीर, उप-मुख्य नियंत्रक

रुले संयुक्त मुख्य नियंत्रक

ORDER

New Delhi, the 22nd May, 1974

S.O. 2815.—M/s. India Scientific Co., 1562, Church Road, Kashmere Gate, Delhi were granted the import licence No. P/S/1799170/C dated 3-2-73 for Rs. 5000/- for Transparent Acrylic Sheets from U.K. They have applied for issue of duplicate Custom & Exchange Control copies of the said licence on the ground that the original thereof have been lost/misplaced without having been utilised at all.

2. The applicant has filed an affidavit in support of the above statement, as required under para 320 of I.T.C. Hand Book of Rules & Procedure, 1973-74. I am satisfied that the original copies of the said licence has been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) of Import Control Order, 1955 dated 7-12-1955, I order the cancellation of the both copies of the said licence.

4. The applicant is now being issued duplicate Custom and Exchange Control copies of the aforesaid licence in accordance with the provision of Para 320 of the I.T.C. Hand Book of Rules and Procedure, 1973-74.

[F. No. NP/I-2/AM. 73/AU. UT/CLA/548]

K. R. DHEER, Dy. Chief Controller
for Jt. Chief Controller.

आदेश

बम्बई, 15 मई, 1973

क्रा० प्रा० 2816—सर्वश्री टेक्स ड्राइज कारपोरेशन-1, सुनार छाल, तोपखाना, इन्दौर को निम्नलिखित शर्तों के अधीन वैसिक तथा डाइरेक्ट ड्राइज के निर्माण के लिए लाइसेंस सं० पी/एस/1711316, (2) पी/एस/1711318, (3) पी/एस/1711317 सभी का दिनांक 13-9-1971 है और क्रमशः मूल्य 37,500 रु०, 18,750 रु० एवं 18,750 रु० है, स्वीकृत किये गए थे:—

“यह लाइसेंस इस शर्त के अधीन जारी किया जाता है कि इस के अन्तर्गत आयातित मान की सभी मदों का उपयोग लाइसेंस-धारी के उस कारखाने में किया जाएगा जिसका पता उस आवेदन पत्र में दिया गया है जिसके मद्दे यह लाइसेंस जारी किया गया है और उस उद्देश्य की पूर्ति के लिए जिसके लिए यह लाइसेंस जारी किया गया है या किसी अन्य विनिर्माण एकक के कारखाने में संशोधित किया जा सकता है किन्तु इस का कोई भी भाग किसी भी अन्य पार्टी को बेचा नहीं जाएगा या प्रयोग नहीं किया जाएगा या अन्य किसी भी विधि से उपयोग करने की अनुमति नहीं दी जाएगी। लेकिन, अन्य किसी कारखाने में संसाधित किए गए ऐसे मान का उपयोग लाइसेंसधारी द्वारा विनिर्माण प्रक्रिया में किया जाएगा।”

2. तत्पश्चात्—उन्हें एक कारण बताओ सूचना नं० 1/231/71/ए यू/1987 दिनांक 4-7-1973 यह पूछने हुए जारी की गयी थी कि 15 दिनों के भीतर कारण बताए कि उनके नाम में जारी किए गए उपर्युक्त लाइसेंसों की धारा 9, उप-धारा (सी सी) के अनुसार क्यों न रद्द कर दिया जाना चाहिए और यह इस आधार पर कि जिस उद्देश्य की पूर्ति के लिए लाइसेंस जारी किए गए थे वे उसे पूरा नहीं करते।

3. उन्होंने कारण बताओ सूचना की पावती की सूचना भेज दी है।

4. अधोहस्ताक्षरी ने मामले की भली भांति जांच कर ली है और इस परिणाम पर पहुंचा है कि विषयाधीन लाइसेंस रद्द अथवा अन्यथा

रूप से प्रस्तावित किए जाने चाहिए। हवाई अड्डा/हस्ताक्षरी आयात (नियंत्रण) आदेश, 1955 की धारा 9 उप-धारा (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री टेक्स डायस कॉर्पोरेशन, इन्दौर के नाम जारी किए गए लाइसेंस संख्या पी/एस/1711316, (2) पी/एस/1711317, (3) पी/एस/1711318 सभी का दिनांक 13-9-1971 है और क्रमशः मूल्य 37,500 रु०, 18,750 रु० तथा 18,750 रु० है, को एन्ड द्वारा रद्द करता है।

[संख्या 1/231/71/एम्/इन्फ/2812]

बी० सी० बनर्जी, उप-मुख्य नियंत्रक,
हुते संयुक्त मुख्य नियंत्रक

ORDER

Bombay, the 15th October, 1973

S.O. 2816.—Licences Nos P/S/1711316, (2) P/S/1711318, (3) P/S/1711317 all dated 13-9-1971 of the value of Rs. 37,500/-, Rs. 18,750/- and Rs. 18,750/- respectively for import of raw material for the manufacture of Basic and Direct Dyes was issued to M/s. Tex Dyes Corporation, 1, Sutar Chawl, Topkhana, Indore subject to the conditions as under:

"This licence is issued subject to the condition that all items of goods imported under it shall be used only in the licence holders factory at the address shown in the application against which the licence is issued and for the purpose for which the licence is issued or may be processed in the factory of another manufacturing unit but no portion thereof shall be sold to any other party or utilised or permitted to be used in any other manner. The goods so processed in another factory shall however, be utilised in the manufacturing process undertaken by the licensee".

2. Thereafter, a show cause notice No. 1/231/71/AU/1987 dt. 4-7-1973 was issued asking them to show cause within 15 days as to why the said licences in their favour should not be cancelled on the ground that it will not serve the purpose for which they were granted in terms of Clause 9, sub-clause (cc).

3. They have acknowledged the show cause notice.

4. The undersigned has carefully examined the matter and has come to the conclusion that the licences will not serve the purpose for which they have been issued.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the power vested in him under clause 9 sub-clause (cc) of the Imports (Control) Order 1955 hereby cancel the licences No. P/S/1711316 (2) P/S/1711317 (3) P/S/1711318 all dated 13-9-1971 for Rs. 37,500/-, Rs. 18,750/- Rs. 18,750/- respectively issued in favour of M/s. Tex Dyes Corporation, Indore.

[No. 1/231/71/AU/Enf/2812]

B. C. BANERJEE, Dy. Chief Controller
for Jt. Chief Controller

आदेश

नई दिल्ली, 30 जुलाई, 1974

क्रा० प्रा० 2817.—सर्वश्री राधा सिल्क एम्पोरियम (प्रा०) लि०, 1-मल्लाभी स्ट्रीट, रासी हाउस, मेलापुर, मद्रास 4 को निर्यात मदन के रूप में सामान्य मुद्रा क्षेत्र में "प्राकृतिक रेशम वस्त्र पोशाक" उत्पाद ग्रुप के

लिए 1,59,640/- रुपये मूल्य का एक प्रारम्भिक लाइसेंस संख्या : पी/एस/2632858/सी/दिनांक 6-8-73 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की सीमाशुल्क निकासी प्रति की अनुमति जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी प्रति बिलकुल भी उपयोग किए बिना और किसी भी सीमाशुल्क प्राधिकरण में पंजीकृत कराए बिना खो गई/अस्थानस्थ हो गई है।

उपर्युक्त कथन की पुष्टि में आवेदक न आयात व्यापार नियंत्रण विधम तथा क्रियाविधि हेडबुक 1974-75 के पैरा 320 के अन्तर्गत यथा अपेक्षित एक शपथपत्र दाखिल किया है। मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमाशुल्क निकासी प्रति आग में नष्ट हो गई है।

आयात (नियंत्रण) आदेश, 1955, विनांक 7-12-55 के खंड 9 (सी सी) द्वारा प्रदत्त अधिकारों का प्रयोग करने हुए मैं लाइसेंस की उक्त मूल सीमाशुल्क निकासी को रद्द करने का आदेश देता हूँ।

अब आवेदक को आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हेडबुक, 1974-75 के पैरा 320(4) की शर्त के अनुसार पूर्वोक्त लाइसेंस की अनुमति प्रति (केवल सीमा शुल्क निकासी प्रति) जारी की जा रही है।

[संख्या. आई एन आई/एक्सप-हाउस/15/एएच 74/एससी० 6/सी एल ए/812]

ए० टी० मुखर्जी, उप-मुख्य नियंत्रक
हुते संयुक्त मुख्य नियंत्रक

ORDER

New Delhi, the 30th July, 1974

S.O. 2817.—M/s. Radha Silk Emporium (P) Ltd., 1-San-nadhi St., Rasi House, Mylapore, Madras-4 were granted an Initial Licence No. P/L/2632858/C dated 6-8-73 for Rs. 1,59,640/- from G.C.A. for the product group "Natural Silk Fabrics Garments" as an Export House. They have applied for the issue of duplicate Custom Copy of the said licence on the ground that the original copy thereof has been lost/misplaced without having been utilised and Registered with any Custom Authority.

The applicant has filed affidavit in support of the above statement as required under para 320 of I.T.C. Hand Book of Rules & Procedure, 1974-75. I am satisfied that the original copy of the said licence has been destroyed by fire.

In exercise of the powers conferred on me under Section 9(cc) of Imports (Control) Order, 1955 dated 7-12-1955, I order the cancellation of the said original Custom Copy of the licence.

The applicant is now being issued duplicate copy (Customs purpose copy only) of the aforesaid licence in accordance with the provision of para 320 (4) of the I.T.C. Hand Book of Rules & Procedure 1974-75.

[No. INI/Exp. House/15/AM. 74/SC. VI/CLA/812]

A. T. MUKHERJEE, Dy. Chief Controller
for Jt. Chief Controller

औद्योगिक विकास मंत्रालय

आदेश

नई दिल्ली, 11 अक्टूबर, 1974

क्रा० प्रा० 2818.—आई० डी० आर० ए०/6/16-केन्द्रीय सरकार, विकास परिषद् (प्रक्रियात्मक) नियम, 1952 के नियम 3, 4 और 5 के साथ पठित उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते

हुए, आटोमोबाइल, आटोमोबाइल अनुबंधी उद्योग, परिवहन यान उद्योग, ट्रैक्टरों, ग्रॉयमूविंग उपस्कर और अर्न्तबहन इजिनों के विनिर्माण और उत्पादन में सगे हुए अनुसूचित उद्योगों के लिए, विकास परिषद् के सदस्यों के रूप में निम्नलिखित व्यक्तियों को 11 अक्टूबर, 1974 को और उससे प्रारम्भ होने वाली और 31 दिसम्बर, 1974 तक की अवधि के लिए, नियुक्त करती है, अर्थात्:—

1. श्री टी० एस० कृष्ण
अध्यक्ष—मैसर्स टी० वी० एम०—इयूकाज लिमिटेड,
37, माउंट रोड, मद्रास-6
2. श्री के० एस० रामस्वामी,
महाप्रबंधक,
मैसर्स अशोक सेलैड लिमिटेड, इन्नूर,
मद्रास ।
3. श्री एस० वी० जाकेतवर,
निदेशक तथा महाप्रबंधक,
मैसर्स टाटा इंजीनियरिंग एंड लोकोमोटिव कंपनी लिमिटेड,
पूना ।
4. श्री के० वी० सरवेमाई,
मुख्य कार्यपालक (जीप डिवीजन),
मैसर्स महिन्द्र एण्ड महिन्द्र लिमिटेड,
गेटवे बिल्डिंग, अपोलो बन्दर,
मुम्बई-1
5. श्री एन० के० फिरोजिया,
अध्यक्ष,
मैसर्स बजाज टैम्पो लिमिटेड,
चिन्नवाड, पूना ।
6. श्री एस० एन० भट्टर
अध्यक्ष,
मैसर्स हिन्दुस्तान मोटर्स लिमिटेड,
झाकधर उत्तरपारा, जिला हुगली,
(पश्चिमी बंगाल)
7. श्री एम० एस० शास्त्री,
कार्यपालक निदेशक,
मैसर्स आटोमोबाइल प्रोडक्ट्स आफ इण्डिया लिमिटेड,
मुम्बई ।
8. श्री एम० बी० धूमे,
निदेशक,
इण्टरनेशनल ट्रेडर्स कंपनी आफ इण्डिया लिमिटेड,
मार्फत् मैसर्स महिन्द्र एण्ड महिन्द्र लिमिटेड,
गेटवे बिल्डिंग अपोलो बन्दर
मुम्बई ।
9. श्री बी० टी० चेलू,
प्रबंध निदेशक,
मैसर्स बी० एम० टी० टिलर्स ट्रेडर्स लिमिटेड,
नं० 1, वयाबासेन्ना इंडस्ट्रियल मे आऊट गार्डफील्ड रोड,
पोस्ट बैंग नं० 4801, बंगलौर-48
10. श्री सी० एस० किलीस्कर,
प्रबंध निदेशक,

मैसर्स किलीस्कर कन्सल्टिंग लिमिटेड,
कोठरुद, पूना ।

11. मेजर जनरल प्रो० एम० मानी,
प्रबंधक निदेशक,
मैसर्स भारत ग्रॉयमूवर्स लिमिटेड,
कोलार गोलड फील्ड्स, मैसूर,
(सरकारी उपक्रम) ।
12. श्रीमती शराय, इफ्तरी,
मैसर्स भारत रेडियेटर्स प्रा० लिमिटेड,
एस० जी० भारवे मार्ग, माता कृष्ण ईस्ट,
कालीना, मुम्बई-29
13. डा० प्राणलाल पटेल,
अध्यक्ष,
मैसर्स मैलिर्बिल आइरन एंड स्टील कास्टिंग्स कंपनी प्रा० लिमिटेड,
मयूरा दास मिल कम्पाउण्ड, लोभर पटेल, मुम्बई ।
14. श्री एम० के० भावर,
प्रबंधक निदेशक,
मैसर्स ऊषा आटोमोबाइल एंड इंजीनियरिंग प्राइवेट लिमिटेड,
14-प्रिन्सेप स्ट्रीट,
कलकत्ता-13 ।
15. श्री कुन्दन लाल,
महासचिव,
लाल इण्डिया मोटर यूनिट्स कॉर्पोरेशन,
16-ए घासक अली रोड, नई दिल्ली ।
16. श्री एन० महालिंगम्,
अध्यक्ष,
अन्नामलाई बस ट्रामपोर्ट्स लिमिटेड (ए०बी०टी०),
पोल्लची, कोयम्बटूर जिला,
(तामिलनाडु) ।
17. श्री आर० के० वोहार,
अध्यक्ष,
केडरेजन् आफ् आटो-मोर्स एसोसिएशन,
534, बल्लभ साई पटेल रोड,
मुम्बई-7
18. श्री ए० एन० डिग,
अध्यक्ष,
केडरेजन् आफ् आल इंडिया आटोमोबाइल स्वेयर पार्ट्स एसोसिएशन,
3620/21, नेनाजी सुभाष मार्ग,
नई दिल्ली-6
19. श्री आर० एफ० बोगा,
महाप्रबंधक, (प्रशासन),
मिर्च टायर्स आफ् इण्डिया लिमिटेड,
भाण्डुप, मुम्बई-78
20. श्री पी० वी० केरकर, महाप्रबंधक,
वेस्ट हाऊस, आरामिस्टन, रोड,
मुम्बई-1

MINISTRY OF INDUSTRIAL DEVELOPMENT
SCIENCE & TECHNOLOGY

ORDER

New Delhi, the 11th October, 1974

S.O. 2818.—IDRA/6/16—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rules 3, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints for the period commencing on and from the 11th of October, 1974 to the 31st of December, 1974, the following persons to be members of the Development Council for the Scheduled Industries engaged in the manufacture and production of Automobiles, Automobile Ancillary Industries, Transport Vehicles Industries, Tractors, Earth Moving Equipment and Internal Combustion Engines, namely :—

21. श्री बाई० एस० बेंकटेंबरन,
उप-महानिदेशक,
इण्डियन स्टैंडर्ड्स इंस्टीट्यूट
मानक भवन,
9, बहादुरशाह जफर मार्ग,
नई दिल्ली।
22. डा० पी० सी० ऐलेक्जेंडर,
विकास प्रायुक्त,
लघु उद्योग, निर्माण भवन,
नई दिल्ली।
23. डा० एस० पी० लूथरा,
निदेशक,
इण्डियन इंस्टीट्यूट ऑफ टेक्नालॉजी,
29, हौज खास, नई दिल्ली।
24. श्री बी० रामाचन्द्रा, महाप्रबन्धक,
हिन्दुस्तान मशीन टूल्स लिमिटेड (बी०)
हैदराबाद।
25. श्री आर० रंगास्वामी, महाप्रबन्धक,
तामिलनाडु नेशनल इंजीनियरिंग एम्प्लॉयर्स यूनियन,
2/24, रायपेटाह हाई रोड,
मद्रास-14
26. श्री प्रमिल चौधरी,
मार्फत् यूनाइटेड ट्रेड यूनियन कांग्रेस,
249, बेपिन बेहारी गांगुली स्ट्रीट,
(1स्ट फ्लोर), कलकत्ता-12
27. बि० ए० एल० वर्मा,
निरीक्षण निदेशक (वाहन),
निरीक्षण निदेशालय,
रक्षा उत्पाद विभाग,
नई दिल्ली - 110011
28. श्री बी० पी० मिश्र,
प्रधान (रखरखाव),
हिन्दुस्तान स्टील लिमिटेड, रांची।
29. श्री बी० कमकवीर,
सदस्य,
लोक सभा
30. श्री कार्तिक उरांव,
सदस्य,
लोक सभा
श्री बी० एस० बी० राव, विकास अधिकारी— नविन
डी० जी० टी० डी०, उद्योग भवन,
नई दिल्ली - 11
1. Shri T. S. Krishna, Chairman
M/s. TVS-Lucas Ltd., 37, Mount Road, Madras-6.
2. Shri K. S. Ramaswami, General Manager, M/s. Ashok
Leyland Ltd., Ennore, Madras.
3. Shri S. V. Jakatdar, Director and General Manager,
M/s. Tata Engineering & Locomotive Co. Ltd.,
Poona.
4. Shri K. V. Sardesai, Chief Executive, (Jeep Division),
M/s. Mahindra & Mahindra Ltd., Gateway Building,
Apollo Bunder, Bombay-1.
5. Shri N. K. Firodia, Chairman, M/s. Bajaj Tempo Ltd.,
Chinchwad, Poona.
6. Shri S. L. Bhatner, President, M/s. Hindustan Motors
Ltd., P. O. Uttarpara, Distt. Hooghly, (West Bengal).
7. Shri M. S. Shastri, Executive Director, M/s. Automobile
Products of India Ltd., Bombay.
8. Shri M. D. Dhume, Director, International Tractor
Company of India Ltd., C/o M/s. Mahindra &
Mahindra Ltd., Gateway Building, Apollo Bunder,
Bombay.
9. Shri V. T. Velu, Managing Director, M/s. V.S.T. Tilers
Tractors Ltd., No. 1, Dyavasandra Industrial
Layout, Whitefield Road, Post Bag No. 4801, Bangalore-48.
10. Shri C. S. Kirloskar, Managing Director, M/s. Kirloskar
Cummins Ltd., Kothrud, Poona-1.
11. Maj. Genl. O. M. Mani, Managing Director, M/s. Bharat
Earthmovers Ltd., Kolar Gold Fields, Mysore
(Govt. Undertaking).
12. Smt. Sharayu Daftary, M/s. Bharat Radiators-Pvt. Ltd.,
S.G. Bharve Marg, Santa Cruz East, Kalina, Bombay-29.
13. Dr. Pranlal Patel, Chairman, M/s. Malleable Iron &
Steel Castings Co. Pvt. Ltd., Mathurdas Mills Compound
Lower Parel, Bombay.
14. Shri M. K. Jhawar, Managing Director, M/s. Usha
Automobile & Engg. Pvt. Ltd., 14-Princep Street,
Calcutta-13.
15. Shri Kundan Lal, Secretary General, All India Motor
Union Congress, 16-A, Asaf Ali Road, New Delhi.
16. Shri N. Mahalingam, Chairman, Anamalai Bus Trans-
ports Ltd., (A.B.T.), Pollachi, Coimbatore Distt.
(Tamil Nadu).
17. Shri R. K. Poddar, President, Federation of Auto-
Dealers' Associations, 534, Vallabh Bhai Patel Road,
Bombay-7.

[सं० 1(111)/72-ए० ई० आई० (1)]

प्रेम नारायण, प्रवर सचिव

18. Shri A. N. Daing, President, Federation of All India Automobile Spare Parts Dealers' Association, 3620/21, Netaji Subhas Marg, New Delhi-6.
 19. Shri R. F. Boga, General Manager (Administration), CEAT Tyres of India Ltd., Bhandup, Bombay-78.
 20. Shri P. B. Karkar, General Manager, BES & TU BEST House, Ormiston Road, Bombay-1.
 21. Shri Y. S. Venkateswaran, Deputy Director General, Indian Standards Institute, Manak Bhawan, 9, Bahadur Shah Jaffar Marg, New Delhi.
 22. Dr. P. C. Alexender, Development Commissioner, Small Scale Industries, Nirman Bhawan, New Delhi.
 23. Dr. S. P. Luthra, Director, Indian Institute of Technology, 29, Haus Khas, New Delhi.
 24. Shri B. Ramachandra, General Manager, Hindustan Machine Tools Ltd. (V), Hyderabad.
 25. Shri R. Rengasamy, General Secretary, Tamilnadu National Engineering Employees Union, 2/44, Royapettah High Road, Madras-14.
 26. Shri Pratul Chaudhuri, C/o United Trade Union Congress, 249, Bepin Behari Ganguly Street, (1st Floor), Calcutta-12.
 27. Brig. A. L. Verma, Director of Inspection (Vehicles), Directorate General of Inspection, Department of Defence Production, New Delhi-110011.
 28. Shri V. P. Mittal, Chief (Maintenance), Hindustan Steels Ltd., Ranchi.
 29. Shri D. Kamakshaiah, Member, Lok Sabha.
 30. Shri Kartik Oraon, Member, Lok Sabha.
- Shri B.S.V. Rao, Development Officer, Secretary, D.G.T.D., Udyog Bhawan, New Delhi.

[No. 1(111)/72-A.E.I.(I)]
PREM NARAIN, Under Secy.

औद्योगिक विकास, विज्ञान एवं प्रौद्योगिकी मंत्रालय

(भारतीय मानक संस्था)

नई दिल्ली, 7 अक्टूबर, 1974

क्र० प्र० 2819.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन विभाग) विनियम 1955 के विनियम 5 के उपविनियम (1) के अनुसार और IS: 2582 (भाग 2)—1972 खराद के तकुवे की नोक और ऊपरी प्लेट के माप: भाग 2 कैमलॉक प्रकार के तकुवों की नोक (पहला पुनरीक्षण) के प्रकटित हो जाने के फलस्वरूप अधिसूचित किया जाता है कि IS 2583-1963 कैमलॉक प्रकार के तकुवों की नोक और पीछे की प्लेटों के माप जिसके ब्योरे भारत के राजपत्र भाग II खण्ड 3 उपखण्ड 2 दिनांक 20 जून 1964 में अधिसूचना संख्या एस ओ 2176 दिनांक 5 जून, 1964 के अन्तर्गत प्रकाशित हुए थे, रद्द कर दिया गया है। IS: 2583-1963 में वी गई प्रपेक्षाएँ IS: 2582 (भाग 2)—1972 में शामिल कर ली गई हैं।

[सं० सीएमडी/137]

ए० के० गुप्ता,
उपमहानिदेशक

MINISTRY OF INDUSTRIAL DEVELOPMENT, SCIENCE
& TECHNOLOGY

(Indian Standards Institution)

New Delhi, the 7th October, 1974

S.O. 2819.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations 1955, as amended from time to time, and consequent upon publication of IS:2582 (Part II)-1972 Dimensions for lathe spindle noses and face plates, Part II Spindle noses—

camlock type (first revision), it is, hereby, notified that IS: 2583-1963 Dimensions for camlock type spindle noses and back plates, details of which were published under notification number S.O. 2176 dated 5 June 1964, in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 20 June 1964, has been cancelled. The requirements of IS: 2583-1963 have been covered in IS: 2582 (Part II)-1972.

[No. CMD/13:7]

A. K. GUPTA, Dy. Director General

नौवहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 8 अक्टूबर 1974

क्र० प्र० 2820.—डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 8 की उपधारा (1) और (2) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, डॉक कर्मकार (सलाहकार समिति) नियम, 1962 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. इन नियमों का नाम डॉक कर्मकार (सलाहकार समिति) संशोधन नियम, 1974 है।

2. डॉक कर्मकार (सलाहकार समिति) नियम, 1962 में,—(1) नियम 3 के उपनियम (1) में, मद (I) और (II) के स्थान पर क्रमशः निम्नलिखित रखे जाएंगे, अर्थात्:—

“(i) भारत सरकार के नौवहन और परिवहन मंत्रालय का सचिव जो अध्यक्ष होगा,

(ii) श्रम मंत्रालय का एक प्रतिनिधि; ”

(II) नियम 4 में, “श्रम, रोजगार और पुनर्वास मंत्रालय के श्रम और रोजगार विभाग में” शब्दों के स्थान पर, “नौवहन और परिवहन मंत्रालय में” शब्द रखे जाएंगे।

[सं० यू०-20013/4/471-पी०एण्ड०डी० (एसडी)]

डी० शंकरसिंगम,

अवर सचिव

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 8th October, 1974

S.O. 2820.—In exercise of the powers conferred by sub-sections (1) and (2) of section 8 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following rules further to amend the Dock Workers (Advisory Committee) Rules, 1962, namely:

1. These rules may be called the Dock Workers (Advisory Committee) Amendment Rules, 1974.

2. In the Dock Workers (Advisory Committee) Rules, 1962,—

(i) in sub-rule (1) of rule 3, for items (i) and (ii) the following shall respectively be substituted namely:

“(i) the Secretary to the Government of India in the Ministry of Shipping and Transport, who shall be the Chairman,

(ii) a representative of the Ministry of Labour; ”

(ii) in rule 4, for the words “in the Deptt. of Labour & Employment of the Ministry of Labour, Employment

and Rehabilitation", the words "in the Ministry of Shipping and Transport", shall be substituted.

[No. U-20013/4/71-P&D (LD)]

V. SANKARALINGAM, Under Secy.

निर्माण और आवास मंत्रालय
(दिल्ली विकास प्राधिकरण)

सार्वजनिक सूचना

नई दिल्ली, 26 अक्टूबर, 1974

क्रा० धा० 2821 —दिल्ली डेवेलपमेंट एक्ट 1957 (1957 की सं० 61) की धारा 11 के अन्तर्गत सूचना जिसे दिल्ली डेवेलपमेंट (सूक्ष्म योजना तथा क्षेत्रीय विकास योजना) नियम 1959 क नियम 5 एवं 15 के साथ पढ़ा जाए।

एन० द्वारा सूचना दी जाती है कि :—

(ए) केन्द्रीय सरकार न दिल्ली डेवेलपमेंट एक्ट 1957 की धारा 9 की उपधारा (2) के अन्तर्गत जोन-डी (रमेश नगर कीर्ति नगर) तथा सी-18 (त्रिपोलिया) के क्षेत्रीय विकास योजना चित्र को स्वीकृति प्रदान कर दी है।

(बी) स्वीकृत योजना चित्र की प्रतियां कार्यालय, दिल्ली विकास प्राधिकरण, विकास भवन, डी ब्लॉक, इन्द्रप्रस्था इस्टेट नई दिल्ली-1 में सभी कार्यशील दिनों में 11.00 बजे से 3 00 बजे तक निरीक्षण हेतु प्राप्त है।

[स० एक 16(59)/74 एम० पी०]

द्वय नाथ कोतेवार,
मजिब

MINISTRY OF WORKS & HOUSING

(Delhi Development Authority)

PUBLIC NOTICE

New Delhi, the 26th October, 1974

S.O. 2821.—Notice under Section 11 of the Delhi Development Act, 1957 (No. 61 of 1957) read with rules 5 and 15 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959.

Notice is hereby given that :—

(a) The Central Government have under sub-section (2) Of Section 9 of the Delhi Development Act, 1957 (No. 61 of 1957), approved the zonal development plans for zones G-2 (Ramesh Nagar—Kirti Nagar) and C-18 (Tripolia).

(b) Copies of the plans, as approved, may be inspected at the office of the Delhi Development Authority, Delhi Vikas Bhavan "D" Block, Indraprastha Estate, New Delhi-1, between the hours of 11.00 a.m. and 3 00 p. m. on all working days.

[No. F. 16 (59)/74-M. P.]

H. N. FOTEDAR, Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 9 अक्टूबर, 1974

क्रा० धा० 2822 —भारत सरकार के लघुवीध विभाग और उद्योग विभाग की दिनांक 24 मार्च, 1905 की अधिसूचना सं० 801 के साथ पठित भारतीय रेल अधिनियम, 1890 (1890 का 9) की

धारा 47 की उपधारा (1) के खण्ड (च) और (छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, रेल मंत्रालय (रेलवे बोर्ड) की 28 अगस्त, 1958 की अधिसूचना संख्या टी सी-111/3036/58/नोटिफिकेशन के साथ प्रकाशित नियमों में आगे त्थोधन करने के लिए रेलवे बोर्ड—एन० द्वारा निम्नलिखित नियम बनाता है, अर्थात् :—

उक्त नियमों में नियम 1 को "1 क" के रूप में लिखा जायेगा और इस प्रकार लिखे गये नियम 1 क' से पहले निम्नलिखित नियम को अन्तर्लिखित किया जायेगा और इसे हमेशा अन्तर्लिखित किया गया समझा जायेगा, अर्थात् :—

"1. सक्षिप्त नाम—ये नियम रेलवे (भाण्डागार और स्थान शुल्क) नियम, 1958 कहते जा सकेंगे"।

[स० टी० सी० 1/201/74/14 नोटिफिकेशन]

ए० एल० गुप्ता,
सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 9th October, 1974

S.O. 2822.—In exercise of the powers conferred by clauses (f) and (g) of sub-section (1) of section 47 of the Indian Railways Act, 1890 (9 of 1890), read with the notification of the Government of India in the late Department of Commerce and Industry No. 801, dated the 24th March, 1905, the Railway Board hereby makes the following rules further to amend the rules, published with the notification of the Government of India in the Ministry of Railways (Railway Board) No. TCI/3036/58/Notification, dated the 28th August, 1958, namely :—

In the said rules, rule 1 shall be re-numbered as rule '1A' and before rule '1A' as so renumbered, the following rule shall be, and shall be deemed always to have been inserted, namely :—

"1. Short Title.—These rules may be called the Railways (Warehousing and Wharfage) Rule, 1958."

[No. TCI/201/74/14/Notification]

A. L. GUPTA, Secy.

मिचार्ड और विद्युत् मंत्रालय

आवेश

नई दिल्ली, 8 अक्टूबर 1974

क्रा० धा० 2823 —यन, नेवेली लिगनाइट कार्पोरेशन लिमिटेड के माबेवन सं० सी० एच/टी डब्ल्यू/टी एम/ए 2/विद्युत्/73-7 तारीख 13-8-1973 में यथा स्पष्टीकृत, निगम द्वारा की जाने वाली, नेवेली स्थित लिगनाइट खान में यंत्रीकृत ग्राउण्डिंग मशीन के प्रयोजन के लिए, विशेष प्रकार के मोबाइल ट्रांसफर कन्वेयर एंड एम III के उपयोग की जावत उक्त निगम को सुविधा देने की दृष्टि से, उक्त ट्रांसफर कन्वेयर एंड एम III में निम्नलिखित अपेक्षित है :—

(1) मोबाइल ट्रांसफर कन्वेयर पर लगे हुए सुवाह्य ट्रांसफार्मर के साथ 11 के० वी० ऊर्जा का संचरण और उपयोग,

(2) प्राइमरी साइड की ओर उच्च विभव बिलगक और तेल परिपय विच्छेक के साथ, सहायक उपकरण और ट्रांसम को 3 फेज, 433 वी० ऊर्जा के प्रदाय के लिए, सुवाह्य ट्रांसफर कन्वेयर पर लगा हुआ एक 400 के वी ए 11 के वी/433 वी, तीन फेज मुख्य विद्युत् ट्रांसफार्मर,

- (3) स्थायी धनुलम्बी में अवस्थित और अप्रच्छन्न, 3 कोर और 4 कोर, 400 वोल्ट्स लचीली तार साधारणतया तारनली में हो, मिथाए कनिपय, भागो में जहां स्विंगो, बल्बी और अन्य भागों के संवलन के लिए तार को धातु के डिब्बों में बन्द न किया जा सके;
- (4) ट्रिपर फीडर, जो मोबाइल ट्रांसफर कन्वेयर का निकट सह-चारी है और उसमें ऊर्जा प्राप्त करना है, की जापन मोटरो को ऊर्जा के प्रवाय के लिए चार कोर, अवस्थित और अप्रच्छन्न, 400 वोल्ट्स धनुगामी तार; और
- (5) 300 मीटर की कुल लम्बाई की, विशेष प्रकार की 11 के बी, चार कोर तार जो संवाही रबड़ आवरण से युक्त हो न कि धातु के छत्रे या धानय बर्ब से।

अतः केन्द्रीय सरकार, भारतीय विद्युत् नियम 1956 के नियम 133 के उपनियम (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि निम्नलिखित नियमों के:—

- (1) नियम 118 के मुख्य उपबन्ध
- (2) नियम 119 के उपनियम (1) खण्ड (क)
- (3) नियम 122 के उपनियम (6)
- (4) नियम 123 के उपनियम (5), (6) और (7)

के उपबन्ध, निम्नलिखित शर्तों के अधीन रहते हुए, शिथिल किए जाएंगे:—

- (क) मोबाइल ट्रांसफर कन्वेयर के सहयोजन से 11 के बी पद्धति अपेक्षित प्रतिधारा संरक्षण के परिपथ रोधक द्वारा नियंत्रित की जाएगी और उपयुक्त भू-क्षरण संरक्षण से युक्त होगी;
- (ख) 11 के बी लचीली धनुगामी तार के सभी मिरों पर उपयुक्त वोल्ट प्रकार संबंधक संलग्न किये जाएंगे;
- (ग) कोई व्यक्ति, जब तक वह भारतीय विद्युत् नियम, 1956 के नियम 3 के अधीन सम्यक् रूप से प्राधिकृत नहीं किया गया है, 11 के बी लचीली धनुगामी तार को नहीं चनाएगा। तार में पाए गए किसी नुकसान की तत्कालीकरण द्वारा तुरन्त मरम्मत की जाएगी या तार को बदल दिया जाएगा;
- (घ) 11 के बी लचीली धनुगामी तार को यात्रिक नुकसान से पर्याप्त रूप से संरक्षित किया जाएगा और उसे सब बाधाओं और शानायात से बचा कर रखना चाहिए;
- (ङ) 11 के बी लचीली धनुगामी तार का सक्षम व्यक्तियों द्वारा 24 घंटों में कम से कम एक बार परिक्षण किया जाएगा;
- (च) 11 के बी पद्धति की भू-सांतत्य को सुनिश्चित किया जाना चाहिए और कम से कम सम्भव प्रतिरोध पर बनाए रखा जाना चाहिए;
- (छ) 400 वोल्ट पद्धति को उपयुक्त भू-क्षरण संरक्षण द्वारा ढका जाएगा;
- (ज) 4 ऐम्पियर से लगे 11 के बी और 400 वोल्ट पद्धतियों, में भू-क्षरण संरक्षी साधनों की प्रभावकारिता के लिए हर चौबीस घंटों में कम से कम एक बार परखा जाएगा;
- (झ) ट्रिपर फीडर के उपयोग में, चाहे तारलाबी में हो या खुली, 400 वोल्ट, 20 मीटर लम्बी लचीली धनुगामी तार को यात्रिक नुकसान का पर्याप्त ध्यान रखना होगा;

(ङ) इन तारों का कियाम कोई बाधा उत्पन्न नहीं करेगा। इन लचीली तारों में कड़ी पर पाया गया कोई नुकसान तुरन्त धक्कापूर्वक तत्कालीकरण किया जाना चाहिए या उन भाग को बदल देना चाहिए। इन तारों के सभी मिरों पर वोल्ट प्रकार के प्लग के संलग्न किए जाएंगे;

(ट) 400 वोल्ट पद्धति की पर्याप्त भू-सांतत्य को सुनिश्चित किया जाना चाहिए और कम से कम प्रतिरोध पर बनाए रखा जाना चाहिए; और

(ठ) समस्त विद्युत् प्राधिकरण, जिसमें 11 के बी 400 वोल्ट या 110 वोल्ट की पद्धति में प्रयुक्त लचीली धनुगामी तारों भी सम्मिलित है, इस निमित्त भारतीय विद्युत् नियम, 1956 के नियम 3 के अधीन सम्भवतः प्राधिकृत ऐसे वक्ष व्यक्तियों द्वारा पर्याप्त रूप में पर्यवेक्षित किया जाएगा, जो इस पद्धति का पर्याप्त रूप से निरीक्षण करेंगे जिससे किसी खतरे से बचा जा सके।

[सं० ई० एल-II-6(10)/73]

एस० पी० जैन, उप निदेशक (विद्युत्)

MINISTRY OF IRRIGATION AND POWER ORDER

New Delhi, the 8th October, 1974

S.O. 2823.—With a view to accommodate the Neyveli Lignite Corporation Limited, in respect of the use of the Special Type of Mobile Transfer Conveyor HM 111, for the purpose of mechanised opencast operation in the Lignite Mine at Neyveli, to be undertaken by the Corporation as explained in the Corporation's application No. Ch/TW/TS/A2/Elec./73-7 dated the 13th August, 1973, the Transfer Conveyor HM 111 requiring:—

- (1) Transmission and use of 11 KV energy with the portable transformer, mounted on the Mobile Transfer Conveyor;
- (2) A 400 KVA, 11 KV/433V, three phase main power transformer mounted on the portable transfer conveyor for supply of 3 phase, 433V energy to auxiliary equipment and drives together with the High Tension Isolator and Oil Circuit-breaker on its primary side;
- (3) Unarmoured and unscreened, 3 core and 4 core, 400 Volts flexible cable in permanent fixtures, generally in conduct except in certain parts, where the cable could not be encased in metallic casing to permit the movement of the swings, booms and other parts;
- (4) Four core, unarmoured and unscreened, 400 Volts training cable for supply of energy to the driving motors of the tripper feeder which is a close associate of Mobile Transfer Conveyor, and receives energy from it; and
- (5) Special Type of 11 KV, four core cable, provided with conducting rubber sheathing and not with metallic screening or pliable armouring, of a total length of 300 metres.

The Central Government in exercise of the powers conferred on them by sub-rule (2) of rule 133 of the Indian Electricity Rules, 1956, hereby directs that the provisions of —

- (1) Main Provision of Rule 118
- (2) Sub-rule (1) Clause (a) of Rule 119
- (3) Sub-rule (g) of Rule 122
- (4) Sub-rules (5), (6) and (7) of Rule 123

of the said rules shall be relaxed, subject to the following conditions :—

- (a) The 11 KV system in conjunction with Mobile Transfer Conveyor shall be controlled by a circuit-breaker of requisite overcurrent protection and provided with suitable earth leakage protection ;
- (b) The 11 KV flexible trailing cables shall be attached at all ends by suitable bolted type connectors ;
- (c) No person unless he is duly authorised under Rule 3 of I.E. Rules, 1956 shall handle the 11 KV flexible trailing cable. Any damage noticed on the cable shall be forthwith properly repaired by vulcanisation or the cable shall be replaced ;
- (d) The 11 KV flexible training cable shall be adequately protected from mechanical damage and the same should be kept clear of obstruction and vehicular traffic ;
- (e) The 11 KV flexible trailing cable shall be examined atleast once in 24 hours by competent persons ;
- (f) The earth continuity of 11 KV system should be ensured and maintained at least resistance possible ;
- (g) The 400 Volts system shall be covered by suitable earth leakage protection ;
- (h) Earth leakage protective devices in 11 KV and 400 Volts systems, set to 4 amperes, shall be tested for effectiveness atleast once every twenty four hours.
- (i) The 400 Volts, 20 metres long flexible trailing cable either in conduit or uncased in use in the tripper feeder should be adequately taken care of for mechanical damage ;
- (j) The layout of these cables shall not encounter any obstruction. Any damage noticed anywhere in these flexible cables, should be forthwith efficiently vulcanised or the portion replaced. These cables shall be attached at all ends by means of bolted type plug connectors ;
- (k) Efficient earth continuity of the 400 Volts system should be ensured and maintained at a low resistance; and
- (l) The entire electrical installation, including the flexible trailing cables used in the system at 11 KV, 400 Volts or 110 Volts shall be adequately supervised by competent persons duly authorised under Rule 3 of I.E. Rules, 1956 in this behalf, who shall adequately inspect the system so as to obviate any danger.

[No. EL.II-6(10)/73]

S. P. JAIN, Deputy Director (Power).

श्रम मंत्रालय

नई दिल्ली, 14 अक्टूबर, 1974

क्रा० प्रा० 2824.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा अक्टूबर, 1974 के 27वें दिन को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं, के उपबन्ध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

ज़िला	तालुका	राजस्व मण्डल	सर्वेक्षण संख्या
धारधार	नारगुड	नारगुड	नारगुड कस्बे की नगरपालिका सीमाएं और नारगुड कस्बे की नगर सर्वेक्षण सीमाएं।

[सं एस-38013/31/74-एच०आई०]

टी० एम० कृष्णामूर्ति, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 14th October, 1974

S. O. 2824.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 27th day of October, 1974 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Karnataka, namely :—

District	Taluka	Revenue Circle	Survey Number
Dharwar	Nargund	Nargund	Municipal Town limits of Nargund Town and City Survey limits of Nargund town.

[No. S-38013/31/74-HI]

T. S. KRISHNAMURTHI, Under Secy.

नई दिल्ली, 10 अक्टूबर, 1974

क्रा० प्रा० 2825.—यत्न कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 10 की उपधारा (1) के खण्ड (ब) के अनुसरण में असम की राज्य सरकार ने डा० के० एन० ब्रह्म के स्थान पर डा० बी० एल० दास, प्रशासनिक चिकित्सक अधिकारी कर्मचारी राज्य बीमा स्कीम, असम सरकार, गोहाटी को चिकित्सा प्रसुविधा परिषद् के सदस्य के रूप में नामनिर्देशित किया है।

अतः, अब, उक्त अधिनियम की धारा 10 की उपधारा (1) के अनुसरण में, केन्द्रीय सरकार, भारत सरकार के भूतपूर्व श्रम रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना में क्रा० आ० 3680, तारीख 21 अगस्त, 1971 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, "धारा 10 की उपधारा (1) के खण्ड (ब) के अधीन सम्बद्ध राज्य सरकार द्वारा नामनिर्देशित" शीर्षक के अधीन मद (5) के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

"(5) डा० बी० एल० दास,

प्रशासनिक चिकित्सक अधिकारी,
कर्मचारी राज्य बीमा स्कीम,
असम सरकार,
गोहाटी।

[क्रा० सं० यू०-16012(12)/74-एच०आई०]

राम प्रसाद नरुला, अवर सचिव

New Delhi, the 10th October, 1974

S.O. 2825.—Whereas the State Government of Assam, has in pursuance of clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Doctor B. L. Das, Administrative Medical Officer, Employees' State Insurance Scheme, Government of Assam, Gauhati to be a member of the Medical Benefit Council in place of Doctor K. N. Brahma.

Now, therefore, in pursuance of sub-section (1) of section 10 of the said Act, the Central Government hereby makes the following further amendment to the notification of the Government of India, in the late Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) No. S. O. 3680, dated the 21st August, 1971, namely :—

In the said notification, under the heading ["Nominated by the State Governments concerned under clause (d) of sub-section (1) of Section 10]", for the entry against item (5), the following entry shall be substituted namely :—

"(5) Doctor B. L. Das,
Administrative Medical Officer,
Employees' State Insurance Scheme,
Government of Assam,
Gauhati."

[F. No. U-16012(12)/74-HI]

R. P. NARULA, Under Secy.

प्रादेश

नई दिल्ली, 6 मितम्बर, 1974

क्र० प्रा० 2826.—यतः केन्द्रीय सरकार की राय है कि इससे उपाखण्ड अनुसूची में विनिर्दिष्ट विषयों के बारे में मसमं टाटा आयरन एण्ड स्टील कम्पनी लिमिटेड की जामादोबा 3/4 पिट्स कोलरी, झाकधर जीलगोरा, जिला धनबाद के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है;

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7 क के अधीन गठित औद्योगिक अधिकरण, धनबाद संख्या (2) को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

ज्या मसमं टाटा आयरन एण्ड स्टील कम्पनी लिमिटेड की जामादोबा 3/4 पिट्स कोलरी, झाकधर जीलगोरा, जिला धनबाद के प्रबन्धतन्त्र द्वारा श्री नाज़िर मोहम्मद, पप्प खलासी की 15 अगस्त, 1967 को और से 31 दिसम्बर, 1972 तक प्रवर्ग-III से प्रवर्ग II में पवावन्ति करना न्यायोचित था? यदि नहीं, तो कर्मकार किस अनुमोष का और किस तारीख से हकदार है?

[संख्या एन०-2012/49/74-एल० प्रा०-2]

ORDERS

New Delhi, the 6th September, 1974

S.O. 2826.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in

relation to the management of Jamadoba 3/4 Pits Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad (2), constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Jamadoba 3/4 Pits Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad, were justified in down grading Shri Nazir Mohammad, Pump Khalasi, from Category-III to Category-II on and from to 15th August, 1967 to the 31st December, 1972? If not, to what relief is the workman entitled and from what date?

[No. L-2012/49/74-LRII]

क्र० प्रा० 2827.—यतः केन्द्रीय सरकार की राय है कि इससे उपाखण्ड अनुसूची में विनिर्दिष्ट विषयों के बारे में मसमं टाटा आयरन एण्ड स्टील कम्पनी लिमिटेड की जामादोबा 6/7 पिट्स कोलरी, झाकधर जीलगोरा, जिला धनबाद के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित औद्योगिक अधिकरण (संख्या 2), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

ज्या श्री महेश्वर मण्डल, खनिक का यह दावा कि उसे 27 दिसम्बर, 1973 से 30 जनवरी, 1974 तक जिसमें यह नारीख भी सम्मिलित है, की अवधि के दौरान काम से रोका गया था, न्यायोचित है? यदि हाँ, तो वह किस अनुमोष का हकदार है?

[संख्या एन०-2012/68/74-एल० प्रा०-2]

पी० प्रा० नैयर, उप सचिव

S.O. 2827.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jamadoba 6/7 Pits Colliery of Messrs Tata Iron and Steel Company Limited Post Office Jealgora, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial

Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 2), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the claim of Shri Mahendra Mondal Miner that he was stopped from work during the period commencing on the 27th December, 1973 upto and inclusive of the 30th January, 1974 is justified? If so, to what relief is he entitled?

[No. L-2012/68/74-LR.II.]

P. R. NAYAR, Dy. Secy.

आदेश

नई दिल्ली, 25 जुलाई, 1974

का० प्रा० 2828—यत् केन्द्रीय सरकार की राय है कि इससे उपान्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैमर्स प्रार० के० साहना एण्ड सन्स (प्राइवेट) लिमिटेड, डाकघर कोडरमा, जिला हजारीबाग के प्रबन्धनत्न से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यत्: केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (संख्या 1), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या मैमर्स प्रार० के० साहना एण्ड सन्स (प्राइवेट) लिमिटेड, डाकघर कोडरमा, जिला हजारीबाग के प्रबन्धनत्न के लिए उनकी परसावा अन्नक खान में नियोजित सर्वश्री वीरचन्द साव, कैलाश साव, भीखन साव, राम सहाय साव और हेदर अली को 5 फरवरी, 1974 से काम से रोकना न्यायोचित था? यदि नहीं, तो ये कर्मकार किस अनुतोष के हकदार हैं?

[सं० एल०-28012/3/74-एल० प्रार०-4]

जी० सी० सक्सेना, प्रवर सचिव

ORDER

New Delhi, the 25th July, 1974

S.O. 2828.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs R. K. Sahana & Sons (Private) Limited, Post Office Kodarma, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 1), Dhanbad, constituted under Section 7A of the said Act.

83 GI/74—3

SCHEDULE

Whether the management of Messrs R. K. Sahana & Sons (Private) Limited, Post Office Kodarma, District Hazaribagh was justified in stopping from work from 5th February, 1974 S/Shri Barchand Sao, Kailash Saw, Bhikhan Saw, Ramsahai Sao and Haider Ali employed at their Parsada Mica Mine? If not, to what relief are these workmen entitled?

[No. L-28012/3/74-LR. IV]

G. C. SAKSENA, Under Secy.

New Delhi, the 11th October, 1974

S.O. 2829.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Central Coal Washing Plant of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad and their workmen which was received by the Central Government on the 5th October, 1974.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 46 of 1971

In the matter of an industrial dispute u/s 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the management of Central Coal Washing Plant of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad

AND

Their workmen

APPEARANCES :

On behalf of the employer—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen—Shri D. Narsingh, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, 30th September, 1974

AWARD

The Government of India, Ministry of Labour, Employment & Rehabilitation in the Department of Labour & Employment being of opinion that an industrial dispute exists between the employers in relation to the management of Central Coal Washing Plant of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post office Jealgora, District Dhanbad and their workmen by their order No. 2/114/70-LR.II dated 19-4-1971 referred the same to this Tribunal u/s 10(1)(d) of the I.D. Act, 1947 for adjudication on the issue as in the schedule below :

SCHEDULE

"Whether the dismissal of Shri Dwarika Prasad, Weighbridge clerk by the management of Central Coal Washing Plant of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad with effect from the 25th October, 1969 is justified? If not, to what relief is the workman entitled?"

The case of the employers is that the concerned workman Shri Dwarika Prasad was working as a clerk in the weighbridge at the Central Coal washing plant of the employers

whose duty was to record the number of the loaded trucks reaching the coal washing plant from collieries and the time of departure of the particular truck being unloaded. On 9-7-1969 Shri Dwarika Prasad was on duty in B shift and at that time the coal of Digwadih colliery was being transported to coal washing plant by trucks of the Contractor M/s. Naresh Kumar & Co. During the shift of Shri Prasad on the above date it was found from his record that truck No. BRW 2447 reached coal washing plant at 8.15 P.M. with coal from Digwadih and the empty truck after unloading the coal left the washing plant weighbridge at 8.30 P.M. On the above date while Shri B. Prasad the then Assistant Manager, Central Stores and Shri P. K. Gupta, Senior Accounts officer were returning from Jamshedpur in a car saw the above truck at about 8.45 P.M. fully loaded with coal near the Bhaga Railway crossing. They noticed that the truck took a left turn towards Jharia from Push-bungalow tri-way junction. This route of the truck being different from the usual route to go to the washing plant aroused suspicion in the mind of the above officers who later reported the matter to the Deputy Chief Mining Engineer. On this the Deputy Chief Mining Engineer, Jamadoba Group and the Personnel & Welfare officer of the employers made an investigation into the matter and they found a prima-facie case made out that the above truck with the company's coal was taken away towards Jharia and the entries by Shri Dwarika Prasad alleging that the said truck had unloaded coal at the washing plant at 8.30 P.M. was wrong resulting in the loss to the company of one truck of coal. This happened due to the connivance and dishonest act of Shri Dwarika Prasad. On 18/19-7-1969 a charge sheet was issued to Shri Dwarika Prasad for the above misconduct and charge sheets were also at the same time issued to other workmen who appeared to be connected with the above incident. On Shri Dwarika Prasad and others submitting their reply denying the charges a joint departmental enquiry was held by the Assistant Chief Personnel and Welfare officer into the misconduct and they were all given full opportunities to defend themselves in the departmental enquiry. Shri Dwarika Prasad participated in the enquiry and at his request Shri U. Ansari, the then Asstt. Secretary, Colliery Mazdoor Sangh was allowed to be present on his behalf at the departmental enquiry. In the said enquiry the misconduct alleged against Shri Dwarika Prasad was satisfactorily established and as a result he was dismissed from service by the employers w.e.f. 25-10-1969. The departmental enquiry is alleged to have been held fairly and after observing principles of natural justice. The employers in their written statement contend that the Coal Washing Plant is not a mine and as such the Central Government who made the reference is not the appropriate authority for the purpose and accordingly the reference is bad in law. The workmen in their written statement denies the allegation levelled against the concerned workman Shri Dwarika Prasad in the charge-sheet. The domestic enquiry is alleged to be perfunctory violating the principles of natural justice. It is alleged that the charge sheet was issued to the concerned workman on the basis of an incorrect report submitted by the two officers of the company. It is further alleged that the finding of the enquiry officer was baseless and perverse. It is further submitted that in view of the workman's 22 years of spotless service the drastic punishment of dismissal was excessive and out of all proportion which is the result of victimisation on the part of the management.

The learned Advocate representing the management Shri S. S. Mukherjee raises a preliminary objection. According to him the coal washing plant is not a mine and as such the Central Government is not the appropriate authority to make the reference. In support of his contention Shri Mukherjee submits that the coal washing plant has been licenced under the Factories Act and accordingly the coal washing plant is not a mine. Ext. M 26 is a licence issued by the Chief Inspector of Factories to work factory. Shri D. Narsingh the learned Advocate representing the workmen submits that the Factory Act remains for the safety and welfare of the workers and an establishment can be a factory and can also be a mine under the Mines Act. I do not think that simply because of the factory licence, the coal washing plant can straightway be said to be not considered as a mine. All the facts and circumstances have to be considered for this purpose. It may be mentioned at the outset that the Central Government appointed a Central Wage Board for the Coal Mining Industry and at the first meeting of the wage board it was decided in Chapter IV of the report of Central Wage Board for Coal Mining Industry that the scope of the

terms of the reference to the board would cover all employees in the coal mining industry to fall within the definition of the term 'workman' and the board further decided that the workman of certain departments and undertakings would also come within the scope of the proposed wage fixation. It includes among other things (1) washeries belonging to individual coal companies, (2) Central or regional workshops belonging to collieries or group of collieries etc. The "Central or regional workshops" can better be said to be not mines in the strict sense of the term and they are more factories than mines. Still then the wage board which was to fix the wages and lay down terms and conditions of service of employees in the coal mining industry held that such "central or regional workshops" come within the scope of wage fixation for the coal mining industry. So it will appear that what may be called factories in common parlance may also come within the fold of coal mining industry. Such central or regional workshops belonging to collieries may for some reason or other have to be licenced under the Factories Act, but that does not, in any opinion, take away the character of such central or regional workshops being considered a coal mining industry. In the same way coal washeries belonging to individual companies coming within the scope of the proposed wage fixation for coal mining industry though may be licenced under the Factories Act for some reason or other come within the fold of coal mining industry. So on the face of it, it appears that the mere licencing under the Factories Act of a workshop or undertaking of such special nature is not the surest criterion to hold it to be a factory as distinct from a mine. Shri Mukherjee then submits that according to law the manager of a mine must be a mining engineer and as the managering to the evidence of MW. 2 Shri B. Chaudhury, the coal of the coal washing plant is not a mining engineer according to the evidence of MW. 2 Shri B. Chaudhury, the coal washing plant cannot be said to be a mine and the concerned workman cannot be said to be working in a mine. In this connection he refers to S. 2(h) of the Mines Act and also S. 17 of the Mines Act, Regulation 31 of the Coal Mines Regulation : S. 17 of the Mines Act while defining who are managers of mines provides save as may be otherwise prescribed every mine shall be under one manager who shall have the prescribed qualifications and shall be responsible for the control, management, supervision and direction of the mine and the owner or agent of every mine shall appoint himself or some other person, having such qualifications, to be such manager. Then we are to see what are the qualifications for becoming a manager and for this we come to Regulation 31 of the Coal Mines Regulation, Regulation 31 provides that no mine shall be opened, worked or re-opened unless there is a manager of the mine and where special conditions exists, the Chief Inspector may, be an order in writing, direct that in the case of any such mine depending on output, the manager shall be the holder of a First Class manager's certificate or Second Class manager's certificate depending on the output of the mine. Of course if the manager of the coal mining industry is not a mining engineer the above statutory rules stands in the way of his becoming a manager. This is all in respect of the qualifications required of a person to become the manager of a mine proper. The coal washing plant is not a mine proper where excavation is done. The definition of mine includes a coal washing plant as I have already held. A coal washing plant is treated as a mine by fiction of law. In that view of the matter it does not appear to be necessary for the manager of a coal washing plant to possess all the qualifications required of a person to become a manager in a mine proper. Leaving the negative side of the matter, let us come to the positive side of it i.e. what is a mine as distinguished from what is not a mine. For this let us come to S. 2(i) sub-section (vii), (ix) and (x) of the Mines Act. It provides that mine means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes among other things all workshops situated within the precincts of a mine and under the same management and used solely for purposes connected with that mine or a number of mines under the same management. This is sub-section (vii). Even at the cost of digression I may say that above sub-section includes some workshop also within the definition of mines and this also goes to meet the point as raised by Shri Mukherjee earlier that workshops licenced under Factories Act are not mines. Now sub-section (vii) prescribes 3 conditions for a workshop to be a mine i.e. it must be situated within the same precincts of a mine and under the same management and used solely for purposes connected with that mine or a number of mines under the same management. There is no de-

inition of precinct in the Mines Act and for that we may refer to an analogous Act viz. factories Act where precincts has been defined as those within one boundary wall. It is in the evidence of WW. 1 Shri Jagdish Prasad that the washing plant, the colliery and the office are within one boundary wall and there is no satisfactory counter evidence. So one condition is satisfied that the washing plant is within the same precinct as the colliery. Admittedly, the Tatas are owners of six collieries and also this washing plant. So this condition is also satisfied that the coal washing plant and the coal mines are under the same management. It is admitted that coal from six collieries of the Tatas is sent to the Jamadoba washing plant and it appears that it is washed to make it fit for use in the steel plant of the Tatas at Jamshedpur. It is in the evidence of WW. 1 that after washing of the coal washed coal, rejection and dust and middling come out; the dust and the middling thus obtained are kept within the boundary of Jamadoba colliery and the rejection is also kept in the same place. It is apparent that coal coming out of the mines require washing to make it fit for use in the iron & steel factory in the similar way as the crude oil coming from wells is refined to make it fit for use as petrol and petrol products. The purpose of the coal washing plant is therefore on all showing to 'refine the raw coal' coming out of the colliery. If this purpose is not said to be a purpose connected with the coal mine or mines, I do not know what else it is. In my opinion, the best laid down in the law that such workshop must be used for purpose connected with that mine or a number of mines is squarely satisfied. So all the conditions attached for a workshop to become considered as a mine as per law stated above are fully satisfied and in that view of the matter the coal washing plant can very well be said to be a mine within the definition of mine as in the Act. Sub-section (x) provides that unless exempted by the Central Government by notification in the official gazette, any premises or part thereof, in or adjacent to and belonging to a mine, on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on come within the definition of mine. The first condition is if the premises of the washing plant or part thereof is in or adjacent to or belonging to a mine. It is in the evidence of WW. 1 that the washing plant is in the same premises as the mine surrounded by a common boundary wall, it is adjacent to the mine without anything more in between. So, the premises of the coal washing plant or part of such premises can well be said to be in the mine or adjacent to the mine. Tatas being the common owner of both the colliery and the washing plant it can also be said that the washing plant belongs to the mine. So the first condition is satisfied. With regard to the second condition the raw coal coming from the colliery is processed in the washing plant to make it fit for use. So this process of washing can better be said to be a process ancillary to getting, dressing or preparation of coal for sale. The question remains how the washed coal can be said to be a preparation for sale. No doubt the washed coal is sent to Jamshedpur for use in the iron & steel plant of the Tatas. I may take judicial notice of the fact that when there are several separate establishments under the same management and there is inter change of goods from one establishment to another, there must be some account as to what is the purchase and sale of a particular establishment to enable the establishment to know whether it is running at a profit or at a loss. It is not that if coal is received by the Tatas Iron & steel plant it will be regarded as coal received gratis. Management witness MW. 2 does not know accounting procedure but he thinks some costing procedure is involved. To calculate the cost of production of the iron and steel output the Tatas Iron & Steel Company must, I think take into account cost of the raw materials used and cost of power for production of iron and steel. As I have already stated there is of course no evidence about it but as a Court I can take a judicial notice of it. So, in my opinion, the test laid down in sub-clause (x) is also satisfied. I do not discuss in detail how far the test in sub-clause (ix) is met by the washing plant but from the evidence of WW. 1 and other facts and circumstances this condition can also be said to be satisfied by the coal washing plant to bring it within the fold of the definition of mine. To crown all, I will now introduce another test to determine how far the Jamadoba washing plant is a mine. S. 83 of the Mines Act provides that the Central Government may by notification in the official gazette exempt either absolutely, or subject to by specified conditions any local area or any mine or group of mines or any class of persons from the operation of all or

any of the provisions of this Act. In other words, by this the law authorises to exempt any mine or any persons from the operation of the Mines Act. I will just now show that under the authority of S. 83 of the Mines Act the Central Government has exempted coal washeries from the operation of all the provisions of the Mines Act. Simply because a coal washery has been exempted from all the provisions of the Mines Act, it does not cease to be considered as a mine. If coal washing plant were not considered a mine there would not have been any occasion for the authorities to exempt it from the provisions of the Mines Act. A simple example will make it clear. A flour mill or a sugar mill is never a mine and so it is not necessary for the mining Act to exempt the flour mill or the sugar mill from the operation of the Mines Act. It is only when a factory is considered as a mine that it become necessary to exempt it from some or all conditions of mines for some reason or other. I may refer to the Government notification now by which the Central Government has exempted the coal washery from the operation of all the provisions of the Mines Act. From the side of the workmen attested copy of two notifications of the Government of India, Ministry of Labour and Employment have been placed before me as they are on record. By the notification dated 11-8-1960 the Central Government exempts the parts of mines and classes of persons specified in the column (1) of the Schedule annexed thereto from the operation of those provisions of the said Act. Among others the coal washery of M/s. Tata Iron & Steel Co. Ltd. at Jamadoba is one such exempted undertaking. We may note here that the notification exempts only mines or parts of mine or classes of persons working in a mine and when the coal washery is within such exemption it can easily be said that as it is considered as a mine or part of mine so it could be exempted. There is another notification of the Government of India on record which is to the same effect. Management witness MW. 2 admits that same standing orders govern the workmen of both the washing plant and the mine, the employees of the washing plant are members of the Coal Mines Provident Fund and workmen are transferable from coal mine to the washing plant and vice versa. I think that I have given sufficient materials for the purpose of determining whether the coal washery is considered as a mine or otherwise. Shri S. S. Mukherjee submits before me a copy of an award passed by Mr. Justice D. D. Seth (Retd.) Presiding Officer, Central Government Industrial Tribunal (No. 1) Dhanbad in connection with the same point. Therein the learned Judge has held that the coal washing plant is not a mine. Shri Mukherjee of course submits the judgment as part of his argument and not placing his reliance on it. All I can say about it is that Tribunal (No. 1) remains Tribunal (No. 1) and Tribunal (No. 2) remains Tribunal (No. 2), but the law remains for all. In view of my discussions above I am to hold that the Central Coal Washing Plant of M/s. Tata Iron & Steel Co. Ltd., at Jamadoba comes within the definition of a mine and the Central Government is the competent authority to refer the industrial dispute in question for adjudication.

There was a domestic enquiry preceeding the dismissal of the concerned workman. The learned Advocate representing the management relies upon the domestic enquiry proceedings in justification of their action. It is submitted by the learned Advocate representing the employers that there was a proper and fair enquiry in this case and the findings of the enquiry officer is supported by evidence and that being so the Tribunal is not entitled to interfere with the findings of the enquiry and the action of the management in dismissing the concerned workman. The case of the workman however is that the enquiry was held in violation of the principles of natural justice and the findings of the enquiry officer was also perverse. I have gone through the case and evidence of Shri Jagdish Prasad, WW. 1. It appears that the concerned workman was afforded all opportunities to defend his case helped by a co-worker. The concerned workman actually participated in the enquiry proceedings, cross-examined the witnesses of the management and examined his own witnesses. The concerned workman among others have put in their signatures on the day to day proceedings of the enquiry. I do not therefore find anything wrong so far in holding the enquiry.

The essence of the charge against the concerned workman is that a truck load of coal which came to the washing plant for delivery returned back without unloading the

coal with the connivance of the concerned workman who was a clerk on duty in the weighbridge. This charge is based on a report of two officers viz., Shri B. Prasad who is the Asstt. Manager, Central Stores, Jamadoba and Shri P. K. Gupta, Senior Accounts Officer of the collieries at Jamadoba. While they were returning in a car from Jamshedpur on 9-7-1969 they came across a loaded truck near Bhaga Level Crossing at about 8.45 P.M. The truck without following the usual route turned towards Jharia near the Phushbunglow crossing and the above two officers suspected that it might have been the truck of one M/s Naresh Kumar Contractors who were engaged in transporting coal from the collieries to the washing plant. Next morning they reported the matter to Shri B. S. Rao, Dy. Chief Mining Engineer. The Dy. Chief Mining Engineer on enquiry was satisfied that the particular truck was loaded with coal, left Digwadih colliery at 8.15 P.M. Shri B. S. Rao, the Dy. Chief Mining Engineer along with Shri G. Prasad, Personnel & Welfare Manager had been to Digwadih colliery and interrogated among others the driver of the truck Shri Kuwar Singh. But the cleaner of the truck Hari could not be examined as he was not found available. The management examined before the enquiry officer Shri B. Prasad and Shri P. K. Gupta who are said to be eye-witnesses and the Dy. Chief Mining Engineer Shri B. S. Rao, Shri G. Prasad, Personnel & Welfare Manager and Shri Z. M. Penty, Security Officer. Of them the evidence of Shri B. Prasad and Shri P. K. Gupta is most vital. As against this, witnesses were examined from the side of the workmen and some registers kept by the watchmen and other concerned persons were also produced before the enquiry officer. Shri Top Bahadur Rana was on duty as a watchman in B shift on 9-7-1969 from 8 P.M. to 10 P.M. at the main gate of Digwadih colliery. His duty was to tally the coal truck number with the number mentioned in the challan of the outgoing trucks loaded with coal. His evidence is that if the two numbers did not agree he had to detain the truck and inform the security officer of the two numbers. He used to enter into a register the truck number, challan number, the time at which it left the gate etc. He used to enter the time approximately. When the empty trucks return from the washing plant it used to stop at the turning near the pit head and blow its horn. He then used to go the place and check it to ensure that there was no coal in it. On 9-7-1969 this witness entered the time of the empty return of the truck giving approximate time. The register maintained by Shri Top Bahadur Rana marked as Ext. D and E before the enquiry officer. His register shows the return of the empty truck from the washing plant duly recorded as 20.40 hours on 9-7-1969. Shri Sideshwar Dubey examined before the enquiry officer was a watchman of the Tatas colliery and on 9-7-1969, he was in B shift from 8 P.M. to 10 P.M. at the main entrance gate of Jamadoba colliery through Bhowra Road. His evidence is that his duty was to stop the Digwadih collieries. He then signs the challans that the drivers carry in triplicate. Thereafter he used to enter into a register the number of the truck, the number of the challans and the time of the trucks arrival at the gate. He had also to follow up the return of the truck after emptying the coal at the washing plant. If some trucks did not return empty his instructions were to inform the security officer about it. On return of the empty truck he used to check it again to ensure that there was no coal in it. He further denies that the disputed truck returned from the washing plant at 8.30 P.M. with its full load. The register maintained by this witness was marked Ext. F by the enquiry officer. This exhibit shows that he had recorded entry of the disputed truck in the gate loaded with coal at 8.10 P.M. Shri Sakeldeo Singh examined before the enquiry officer is a grade II clerk at Digwadih colliery who had his duty in B shift on 9-7-1969 from 4 P.M. to 12 midnight. His evidence is that he used to issue gate pass for the trucks that were being loaded with coal in the depot siding and he made entries about the individual trucks in a register which is marked Ext. B. He further says that according to the procedure challans for the trucks loaded with coal issued by him are returned to him by the same driver duly receipted by the weigh bridge clerk. Due entries were made by him in the register. Then Shri Banamali Khan examined before the enquiry officer was employed by M/s. Naresh Kumar & Co. for recording the departure of the loaded trucks and arrival of the trucks in Digwadih Depot. His evidence is that the disputed truck left Digwadih colliery at 7.55 P.M. with coal load and returned at 8.45 P.M. The evidence of

concerned workman Shri Dwarika Prasad before the enquiry officer is that on 9-7-1969 the truck in question reached the weigh bridge at 8.15 P.M. After unloading the coal there it left empty at 8.30 P.M. He mentioned all the details in the relevant challan which is marked Ext. G. Shri Sujit Kumar Sarkar examined before the enquiry officer was an employee of M/s. Naresh Kumar & Co. According to his duty was to record the weight of the truck at the weigh bridge and he used to send the papers to the office at the end of the day. He says that on 9-7-1969 the truck in question arrived with coal at the weigh bridge at 8.15 P.M. and left empty at 8.30 P.M. He had personally checked the truck before it left. Shri Gulam Murtaza examined before the enquiry officer was employed as a mining sirdar in 6 & 7 Pit colliery. He was also posted at that time at the weigh bridge in the washing plant and his duty was to see that the coal trucks coming from 6 & 7 Pit are properly weighed at the weigh bridge. He used to record the cross weight in the register. He also used to enter the time of arrival of the loaded truck and departure of the empty truck. His evidence is that on 9-7-1969 the disputed truck arrived at the weigh bridge from Digwadih colliery and left empty at 8.30 P.M. This is all the evidence about the persons who were connected with the loading and unloading of coal, checking of the despatch of the loaded trucks and return of empty trucks after unloading. The evidences are supported by registers maintained by these persons on duty at different places. It appears that the learned enquiry officer considered the evidence coming from the side of the management and accepted the same. On the other hand, he disbelieved the defence witnesses and the various registers as such evidences is contrary to the evidence of the two main witnesses viz. Shri B. Prasad and Shri P. K. Gupta. It further appears that the enquiry officer considered the reported statement made by the driver Shri Kuwar Singh to the Dy. Chief Mining Engineer, Shri G. Prasad, Personnel and Welfare Manager in course of their interrogation of the driver at Digwadih colliery next day. The extent of the enquiry officer's consideration of the reported statement of the driver made to the Dy. Chief Mining Engineer will appear from the following portion of his findings:

"Sri Kuwar Singh driver of the said truck at the relevant date and time had first stated that he took charge of the truck at 8 P.M. on 9-7-1969, but when confronted with the driver of the preceding shift, who said that Sri Kuwar Singh took charge from him at 4 P.M. Shri Kuwar Singh did not contradict him. He had also told Shri Rao first that he had followed the scheduled route all through. But later he admitted that he had gone near the Central Hospital, Jamadoba for getting air in one of his tubes which had become flat. According to Mr. G. Prasad, Kuwar Singh had also admitted that he had not taken permission from his superiors for taking the truck to Jamadoba Central Hospital. He also admitted that he did not get air in his tube near Jamadoba as there was no one available and he had driven the truck to Digwadih from the washery viz., Jamadoba and Phushbunglow. He however maintained that the truck was empty. Shri Rao and Shri G. Prasad's statements have not been challenged by any of the charge sheeted workmen. On the contrary Shri S. D. Singh himself volunteered that had learnt from some other driver that Kuwar Singh had told Shri Rao and he had gone to Jamadoba on the night of 9-7-1969 for getting air in his wheel".

Then the enquiry officer goes on to say that from the facts and circumstances he has no option but to believe the evidence of Shri B. Prasad and Shri P. K. Gupta. It appears that the driver of the disputed truck at the relevant time Sri Kuwar Singh was not a witness before the enquiry officer. Still then the enquiry officer considered the alleged statement made outside by the said driver to Shri Rao, Dy. Chief Mining Engineer and Shri G. Prasad, Personnel & Welfare Manager treating the same as part of evidence in the enquiry itself before him. It further appears that the enquiry officer not only discussed the reported statement of the driver before the Dy. Chief Mining Engineer but he weighed his statement and ultimately rejected it as unbelievable. In other words, the enquiry officer took into consideration the reported statement of the driver in coming to his conclusion though such statement was not part of evidence in enquiry. The

driver was not before the enquiry officer and the driver was also not examined by the management before the enquiry officer. The enquiry officer was not entitled to bring in facts in his report which do not form part of evidence. If any such thing is relied upon by the enquiry officer then the enquiry and his report would be vitiated on the ground that it did not form part of evidence and that being so the workman concerned had no opportunity to meet the same. It was held in a case as reported in SCLJ 7—257 Tata Engineering and Locomotive Co. Ltd., v Shri S. C. Prasad that if the enquiry officer were to transgress the rules of natural justice by relying on matters which the workman had no opportunity to meet the validity of the findings would be affected. The statement made by the driver before the Dy. Chief Mining Engineer can be said to be relied upon by the enquiry officer in the sense that the enquiry officer weighed such statement or assessed such statement in various ways and after such assessment rejected the statement. That is one aspect. I quite appreciate that it is not the duty of the Tribunal to assess the evidence adduced before the enquiry officer as an appellate Court and so long the enquiry is fair and proper and the findings are not perverse the Tribunal cannot interfere with the findings in the domestic enquiry. One accepted meaning of perverse finding is when the view taken by the enquiry officer on the evidence on record is not a possible or a probable view which a reasonable man would have taken. I am to state here the circumstances under which Shri B. Prasad and Shri P. K. Gupta came across the truck and noted its number. It was about 8.45, P.M. i.e. quiet night time. They were returning in a car from Jamshedpur when they sighted a truck going ahead which seemed to them loaded with coal. There was no occasion for them to think at that time that their company's coal was being clandestinely removed by that truck. In other words, they had no special reasons to be very inquisitive about the truck they had sighted ahead. Shri B. Prasad is said to have noted down the number of the truck. It does not appear that the other occupant of the car Shri P. K. Gupta had taken down the number of the truck. In view of the above circumstances under which the truck was observed by the two officers, the accuracy of their observation cannot be said to be absolutely infallible. This is more so in view of the whole body of evidence of defence including the official registers being totally opposed to it. As I have already stated there were men posted at different points to ensure that the coal loaded and despatched from Digwadih colliery reached the washing plant, and was emptied there. These men have recorded the arrival of the coal loaded truck at the washing plant and return of the empty truck from the washing plant to the Digwadih colliery. There were watchmen at different gates with their registers to ensure the empty return of the trucks from the washing plant. In other words, there was a series of checks and measures at different points to prevent mischief being done to the coal belonging to the company. These checks and measures nowhere show any loophole. These checks and measures show that the coal was duly unloaded at the washing plant and returned empty to the colliery. If the observations by the two officers were correct, at least one point of check or at least one document out of the series of checks and measures introduced by the company from one end to the other through which the loaded coal had to pass would have supported the observation by the two officers. The management had neither shown before the enquiry officer about the fate of carried away coal i.e. where they were disposed of or where they were stored. If the management could show from any register maintained in the washing plant that the total coal received by the washing plant on that date was less to the extent of the coal carried away by the disputed truck, it would have gone a long way in support of the management's case of theft. I am inclined to think that the washing plant maintains a register or a book in which the total coal received from a particular colliery is recorded for accounting purpose. This register or something of its nature was not produced before the enquiry officer. In the alternative, if the loaded truck was caught red handed it would have been something. If the two officers who sighted the truck initiated immediate action after return to their place some concrete result could have been expected. But there was nothing like that. If a man is condemned to punishment or hanged on the ground that on such and such date two officers of the company casually marked a passing lorry taking away coal with the connivance of that man without positive proof thereof, then nobody is safe in this world. What to speak of the poor weigh bridge clerk. I may say here again that I am not at all

reassessing evidence adduced before the enquiry officer. But my analysis is only to find out how far the enquiry officer has taken a possible view of the matter. Such a decree of assessment of the evidence is permissible for the above purpose. In a reference u/s 10 of the I.D. Act the Madras High Court in 1974 Vol. 1 L.L.J. 332—management of Pioneer Kothalampallam Estate—v—their workmen held that on merits the labour court has rightly held that the findings of the domestic tribunal was founded on suspicion rather than on proof. There is a lack of proper and believable evidence and the labour court was right in holding that there was no material in the enquiry to justify the action against the delinquent as the evidence is intrinsically vitiated by unbelievable improbabilities. In view of the facts and circumstances stated above I am to hold that the enquiry officer has not taken a probable view of the evidence before him and to that extent the findings of the enquiry officer are perverse. Then again as discussed by me earlier, the removal of coal could be only possible only when there was a well laid conspiracy between the persons posted at different places of checks and measures. It must be a concerted action by all and not an action in isolation by the concerned workman. That being so, there cannot be any question of choosing the degree of offence or complicity in the offence. All were equally guilty as they all form links of a single chain. The enquiry officer for reasons of his own has given the other persons charge sheeted in this connection the benefit of doubt. I do not for myself understand how the benefit of doubt arises when it is more than certain that all had to join hands together in this act of dishonesty. It is the enquiry Officer's thought that the other persons entrusted with the same job were not so much guilty as the concerned workman or it is his thought that there is a great doubt about the complicity of the other connected persons in this offence. From the nature of the case it can never be said that it was an act in isolation by the concerned workman and the other persons hand in it were doubtful. The only thing that he could do was to assess the degree of offence as between the different persons involved in this matter for the purpose of punishment. The enquiry officer has therefore made a discrimination, irrational as between Shri Dwarika Prasad the concerned workman and others committing more or less the same offence. In Murugan Mills, Ltd.—v—Industrial Tribunal, Madras, and another (1965—1 L.L.J. 422) the Supreme Court held the requirement of bona fides is essential and if the termination of service is a colourable exercise of the power or as a result of victimisation or unfair labour practice the Tribunal would have the jurisdiction to intervene and set aside such termination. Victimisation of the concerned workman is the resultant conclusion that can reasonably be drawn in this case. That being so, the findings of the learned enquiry officer cannot be a possible view of the evidence. The enquiry is then vitiated by perverse findings of the enquiry officer. It appears that the management has not made any application before me or made any prayer before me during the pendency of the proceedings or any time thereafter to give them a chance to justify their action on merit if the enquiry is otherwise found to be vitiated. If such a prayer is not sought for by the employers, the Tribunal is not required to give them an opportunity to hear the case on merit. This has been clearly stated in Delhi Cloth & General Mills—v—Ludhudi Singh—L.L.J. 1972 Vol. I, P 180.

I, therefore award that the dismissal of Shri Dwarika Prasad, Weighbridge clerk by the management of Central Coal Washing Plant of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post office Jcalgora, District Dhanbad with effect from the 25th October, 1969 is not justified and he should be deemed to be in continuous service and reinstated with back wages.

K. K. SARKAR, Presiding Officer.

[No. 2/114/70-LRII.]

New Delhi, the 16th October, 1974

S.O. 2830.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Disputes Tribunal (Central) Hyderabad in the industrial dispute between the employers in relation to the management of

Singareni Collieries Company Limited, Kothagudem Collieries, Post Office Kothagudem (Andhra Pradesh) and their workmen which was received by the Central Government on the 10th October, 1974

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD

Industrial Dispute No 70 of 1971

BETWEEN

Workmen of Singareni Collieries Company Limited,
Kothagudem Collieries

AND

The Management of Singareni Collieries Company
Limited, Kothagudem Collieries

APPEARANCES

Sri M. Komariah, General Secretary, S. C. Workers
Union for Workmen

Sri V. Gopal Sastri, Asstt. Personnel Officer, S. C. Co.
Ltd., Kothagudem for Management

AWARD

The Government of India in Ministry of Labour and Rehabilitation (Department of Labour and Employment) through Notification No. L/2112/24/71-LRII dated 19-10-1971 referred the industrial dispute between the Employers in relation to the Singareni Collieries Company Limited and their Workmen under Section 10(1)(d) and Section 7A of the Industrial Disputes Act (which would hereinafter be called the Act) for adjudication by the Tribunal on the following issue

"Having regard to the nature of duties performed by Sarvasri Bala Subramanyam, V. R. Bangari Rao, A. Chalapathi Rao and L. Sammaiah, whether the Management of Singareni Collieries Company Limited, Kothagudem is justified in not placing the above workmen in Category V? If not, to what relief are the said workmen entitled?"

2 This reference was registered as Industrial Dispute No 70 of 1971 and notices were directed to the Workmen and to the Management of the Singareni Collieries Company Limited. On behalf of the Workmen a claims statement is filed by the General Secretary of the Singareni Collieries Workers Union, Kothagudem Collieries. It was alleged inter alia that the workmen mentioned in the reference are employed in the Workshop as Motor Mechanics and that they are performing the duties of Motor Mechanic independently and are attending to all job of Motor Mechanic Section as instructed from time to time. The contention is that no Motor Mechanic should get less than new Category V wages as per the Wage Board recommendations but while implementing the said recommendations the Management of Singareni Collieries Company Limited is giving Category IV wages to the Motor Mechanics in all Divisions and particularly to the four workmen mentioned in the reference, instead of new Category V wages from 15th August 1967. As per Appendix No V of Wage Board Recommendations under Item Time Rated Categories/designations job description a Motor Mechanic should get not less than a category V wages. The minimum starting pay of a Motor Mechanic is shown in new Category V wages serial No 27. It is thus contended that the four workmen are entitled to Category V wages. The further contention is that when the Assistant Labour Commissioner Vijayawada visited the spot for check and verified in the presence of the Management and Unions' representatives the Mechanics mentioned in the reference were working as Motor Mechanics independently

Thus the job performed by them is said to be highly skilled and more than actually what is mentioned in the job description, as such they are entitled to higher category. The action of the Management therefore is said to be unjustified and improper. Thus the demand for category V wages as per the Wage Board recommendations with effect from 15th August, 1967 with regard to the Workmen mentioned in the reference is sought to be justified.

3 In the counter filed by the Management it was inter alia urged that in view of the terms of reference in Industrial Dispute No 30 of 1967 which relates to the changes and modification in the categorisation and wage structure with regard to number of categories subject to the agreement reached between the Management and the Trade Unions as referred in paras 3 to 7 of Chapter IX of the Wage Board Report, this dispute is said to be either redundant or would fore-stall the decision in that industrial dispute. The further contention is that while evolving a uniform wage structure for Coal Industry, the Wage Board took note of some differences in job descriptions and job nomenclatures in Singareni Collieries and with a view to resolve the differences deputed a Sub-Committee which assisted the parties to arrive at an agreed categorisation in respect of some jobs including the Tradesmen. The Wage Board referred to the discussions and agreements in paras 3 to 7 of the Chapter IX of the Report relating to Andhra Pradesh. The Wage Board directed that the categorisation applicable to Singareni Collieries is subject to those broad agreements. In respect of Tradesmen and Artisans, agreement has been recorded to the effect that workers in Categories IV and V shall be allotted new Category IV, workers in Categories VI and VII shall be allowed to new Category V, and workers in Categories VIII and IX shall be allotted to New Category VI. That agreement regarding Tradesmen and Artisans is said to include Motor Mechanics. Thus the new Category given to the four workmen is said to be in consonance with this agreement. The present demand is thus said to amount to revoking that agreement, which forms part and parcel of the Wage Board Report. The demand is therefore said to be opposed to the said Agreement. The second contention is that since the various categorisations are also the subject matter of Industrial Dispute No 30 of 1967, this demand is untenable and the reference is bad in law. It was also contended that the Company is running in heavy loss year after year and it is not possible to meet the new demands for higher categories in view of lack of financial capacity. The demand is said to be otherwise unjustified. The job description and nomenclature of Motor Mechanics under the Coal Award and the Wage Board Recommendations are said to be identical. While the Coal Award placed Motor Mechanics in old Categories VII and IX, the Wage Board placed them in Categories V and VI. The workmen in question are said to be Trade Apprentices and were absorbed in the Company in Category IV. Their appointment orders specifically provided that they would continue on old category IV wages till they pass All India Trade Test conducted by the Government. The four workmen are said to have not passed any such test nor are there any vacancies to claim promotion to higher categories. As per the Tradesmen Agreement of 1961 the strength of Motor Mechanics in Automobile Section of main workshop is said to be as follows—

(1) Old Category IX equivalent to new Category 6 3

(2) Old Category VII equivalent to new Category 5 9
The four workmen in new Category IV are said to be over and above the Motor Mechanics in higher Categories on the rolls of the workshop at present. Thus the strength itself is said to be over and above the strength of Motor Mechanics fixed under the Tradesmen agreement. It is therefore urged that by continuing them in Category IV no injustice is perpetrated. Even by drafting these four workmen from old category IV to new Category IV, the workmen are said to have been benefited by 50 per cent increase in their total emoluments. It is urged that in respect of Welders formerly in Category IV, a dispute has been raised that Category VI ought to have been given to them but that demand has been held unjustified by the Tribunal in Industrial Dispute No 66 of 1965. It is also contended that the present demand for new Category V

would virtually mean the creation of new posts which cannot be the subject matter of industrial dispute and the promotion of the workmen to Category V would depend upon the availability of the vacancies subject to their passing the test. In short the contention is that the four workmen are even surplus. The Management is said to have introduced two voluntary retirement schemes in the year 1968 and 1969 after an agreement with the Unions whereunder 3,000 workers retired under those Schemes with benefits. It is denied that these four workmen are carrying out the work independently or that the same has been proved during the spot check by the Assistant Labour Commissioner. The jobs performed by these Workmen are said to be not such as would require any extra skill. Though these workmen are said to be surplus over the requirement they are said to have been retained without retrenchment with a view to absorb them in future vacancies. It is thus contended that there is no justification for the retention of these workmen in Automobile Section and much less any justification for promoting them to higher categories. The demand is thus sought to be resisted.

4. On behalf of the Workmen W.W. 1 to W.W. 4 were examined in oral evidence and Exs. W1 to W4 are relied upon by way of documentary evidence. In rebuttal M.W.1 has been examined and Exs. M1 to M7 are marked by way of documentary evidence.

5. While the enquiry was thus in progress, the parties reported that they have submitted the disputes including the omnibus reference which is the subject matter of I.D. No. 30 of 1967 for decision by the Hon'ble Labour Minister of the Central Government. For some time the decision of the Minister on various issues was awaited. The parties then reported a Settlement in terms of the decision given by the Central Minister for Labour. A Memo dated 7th June, 1974 was filed by the parties praying that an award be passed in terms of the settlement. A copy of the decision of the Hon'ble Minister is also made available to the Tribunal. In all with regard to 84 demands covering various categories of workers, a decision has been given by him. The present reference is covered by demand No. 13 relating to Tradesmen and demand No.43 relating to Welders, Mechanics and Armature Winders. It is seen from the Settlement that one of the workmen involved in the dispute by name Sammlah has already been promoted to Category V in an existing vacancy. The Management has agreed as a special case to place the other three workmen in Category V with effect from 1st June 1974. Under this Settlement a clause has been included with regard to liability of the workmen to be transferred to any workshop in any Division as and where vacancies are available. This Settlement is signed by the Representative of the Workmen of the Union which espoused the cause of the four workmen and is the General Secretary of the Singareni Collieries Workers Union. That Settlement is recorded. It is equally relevant to note that no objection to the Settlement has been received. However the General Secretary of the Tandur Coal Mines Labour Union who was present on 16-9-1974 when the matter came up for recording Settlement, reported no objection. In the instant case it is not even necessary for me to go into the question of the reasonableness or fairness of the Settlement for the obvious reason that the demand as raised has been substantially met by the Management. There is nothing to show that the giving of Category V to the three workmen from 1st June, 1974 is in any way detrimental to the interest of the workmen. Since the demand is substantially met by the Management I hold the Settlement could as well from the basis of an award.

In the result an award is passed in terms of the Settlement. A copy of the Settlement be enclosed to this award.

INDUSTRIAL TRIBUNAL.

APPENDIX OF EVIDENCE:

Witnesses examined for workmen

W.W.1 V. R. Bangera Rao
W.W.2 J.T. Devadas.
W.W.3 A. Chalapathi Rao.
W.W.4 K. Subrahmanyan.

Witnesses examined for Management.
M.W.1 Ishaq Hussain

Documents exhibited for Workmen:

Ex.W1: Marked portion at pages 24 and 25 in daily allocation register i.e. Ex.M7.
Ex.W2: Marked portion at pages 40 and 41 in daily allocation register i.e. Ex.M7.
Ex.W3: Marked portion at pages 40 and 41 in daily allocation register i.e. Ex.M7.
Ex.W4: Marked portion at pages 40 and 41 in daily allocation register i.e. Ex.M7.

Documents exhibited for Management:

Ex.M1: Copy of the appointment order dated 1-4-1966 of Sri A. Chalapathi Rao, trades apprentice to work in the main workshop in the Garage Section.
Ex.M2: Copy of representation dated 15-6-1963 of Sri L.Sommaiiah, Asst. Cook, Birley Pit canteen addressed to the Chief Engineer, Singareni Collieries Co., Ltd., Kothagudem requesting to transfer him to Automobile Section either at Kothagudem Division or at Rudrampur Division.
Ex.M3: Copy of the appointment order dated 1-4-1966 of Sri O. Chalapathi Rao, Trade apprentice, to work in the main workshop in the Garage Section.
Ex.M4: Copy of the Tradesman agreement dated 3-2-61.
Ex.M5: Copy of the list showing the strength of the Motor Mechanics in Automobile Workshop in Rudrampur.
Ex.M6: Copy of the list showing the distribution of vehicles for repairs and maintenance in each group of workers of Auto Section, Main workshop, Kothagudem
Ex.M7: Group allotment register for 1971 showing the daily allocation of work.

T. NARASING RAO, Presiding Officer

[No. L-21012/24/71-LRII.]

LALFAK ZUALA, Deputy Secy.

MEMORANDUM OF SETTLEMENT ARRIVED AT UNDER SECTION 18 (1) OF THE I.D. ACT 1947 BETWEEN THE MANAGEMENT OF THE SINGARENI COLLIERIES COMPANY LIMITED AND THEIR WORKMEN REPRESENTED BY THE SINGARENI COLLIERIES WORKERS' UNION ON 7TH JUNE 1974 AT KOTHAGUDEM.

Parties Present:

Representing Management. Representing Workmen

(Singareni Collieries Co. Ltd.)

(Singareni Collieries Workers Union)

1. Shri M. K. Subaiah
Dy. General Manager.
2. Shri N. Bhaskarachary,
Chief Personal Officer.

Shri M. Komaraiah,
General Secretary.

SHORT RECAPITULATION OF THE CASE

New Delhi, the 11th October 1974

The demand of the Singareni Collieries Workers' Union for placing S/Shri L Sammaiah, Bala Subrahmanyam, V R Bangari Rao and A Chalupathi Rao, Motor Mechanics of Category IV, Main Workshop, Kothagudem in Category V was referred for adjudication to the Industrial Tribunal (Central) Hyderabad and numbered as I D 70/71

While the Union in their Claim Statement relied on the categorisation of the workers under the Wage Board in Bengal and Bihar the Management contended that the categorisation of Tradesmen which includes Motor Mechanics was discussed before the Sub-Committee of the Wage Board in February, 1966 as per which it was agreed that the Tradesmen in Old Categories IV and V will be placed in new Category IV under the Wage Board and the workers will have no claim to reopen these issues that a particular category of workmen would get a higher category on the basis of allotment of new categories adopted in Bengal and Bihar. The evidence in this case on both sides has been concluded and arguments are yet to be heard for passing an Award

In the meantime, the Unions have raised the issue relating to categorisation of Motor Mechanics etc in general before the Union Labour Minister, demanding that they should be paid not less than Category V and agreed to abide by his decision

The claim of the workmen in dispute has been reviewed in the light of the decision of the Union Labour Minister against Demand No 13 relating to Tradesmen and Demand No 43 relating to Welders, Mechanics, and Armature Winders and the Tradesmen Agreement now in force. One of the workmen involved in the dispute namely Sri L Sammaiah was already promoted to Category V in an existing vacancy and there are no vacancies in Category V to consider the remaining three workmen

The dispute has been discussed in all its aspects and without prejudice to the relative contentions in I D 70/71, the parties have agreed as under on the understanding that the categorisation of Motor Mechanics elsewhere remain unaffected

TERMS OF SETTLEMENT

- (1) The Management has agreed as a special case to place M/s Bala Subrahmanyam, V R Bangari Rao, and A Chalupathi Rao, Motor Mechanics of Category IV, Main Workshop, Kothagudem in Category V with effect from 1st June, 1974
- (2) These workmen are liable to be transferred to any of the Workshops in any Division as and where vacancies are available
- (3) The parties have agreed to file this Settlement as a compromise and request the Tribunal to pass an Award accordingly
- (4) The Settlement will be implemented after Award in the dispute is passed by the Tribunal

SIGNATURES OF PARTIES

Representing Management

- 1 Sd/ (M K V Subbaiah)
- 2 Sd/- (N Bhaskarachary)

Representing Workmen
Sd/- (M Komaraiah)

Witnesses

- 1 Sd/ (V Gopala Sastry)
Asstt. Personnel Officer,
CPO's Office, S C Co Ltd
- 2 Sd/- (P Satyanarayana)
Office Asstt, CPO's Office,
S C Co Ltd, Kothagudem

Dated 7th June, 1974

Kothagudem Collieries

TRUE COPY

INDUSTRIAL TRIBUNAL.

S O. 2831—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Chandigarh in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 9th October, 1974

BEFORE SHRI R H SODHI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CENTRAL, CHANDIGARH

Reference No 3/C of 1972

BETWEEN

The workmen and the Management of Central Bank of India

APPEARANCE

Shri R K Joshi and O P Manchanda—for the workmen

Shri G L Chawla—for the respondent Bank

AWARD

The concerned workman in this case is Shri S K Berry who joined service with the respondent Bank in the year 1958 and is working in the Civil Lines Branch of the Bank at Amritsar as a clerk. An assembly of persons are alleged to have shouted slogans, hurled abuses and even attempted to assault the Chief Agent of Ambala Cantt. Group of the respondent Bank at Chandigarh outside the office of the Assistant Labour Commissioner, Shri Berry was believed to be a member of that assembly. It appears that the explanation of Shri Berry was obtained by the management but the same having been found unsatisfactory he was charge-sheeted on 28th November, 1970 as per charge sheet Ext M/1. There were other 8 employees who too were similarly charge-sheeted and one of them was Shri R K Joshi, who is the authorised representative of the workmen in this case. The departmental enquiry made little progress and ultimately it was closed on 3rd August, 1972 on some sort of assurance said to have been held out by the workman. There then followed a warning to him issued on 12th August, 1972 wherein he was told that any recurrence of similar incident would attract strong action. A copy of this warning is marked 'A'. The eligibility of the workman for further promotion to officer cadre in terms of the Bank's promotion policy as then in force was, however, recognised.

Facts which led to the instant Reference may be briefly stated hereunder.

The respondent Bank had introduced in November, 1971, the Teller system of payment in the branch where Shri Berry was employed and he being the senior most clerk in that branch was asked to work as a Teller w.e.f. 3rd November, 1971. It may be mentioned that the job of a Teller carried a Special Allowance. The Head Office by a telex message on 10th February, 1972, directed the Divisional Office to stop Shri Berry from working as a Teller. As per Ext R/8 issued by the Divisional Manager Amritsar, the duties of a Teller and allowance attached thereto were thus withdrawn from him from 14-2-1972. The Divisional Manager asked the Officer in-charge, Civil Lines Branch Amritsar to take immediate action and he forwarded copies of this memorandum to Zonal Manager, Chandigarh and Personnel Department, Bombay. It is common ground between the parties that there are two unions of workmen and one of them called the majority union is Central Bank of India Employees Union, Punjab, Shri Berry admittedly is a member of the minority union and a zealous worker thereof. The General Secretary of the majority union had taken upon himself to approach the Chief Agent Central Bank of India, Amritsar, as per letter Ext R/5, dated 14-11-71 to lodge a protest against the appointment of Shri Berry as a Teller when the letter had been charge-sheeted. It was urged in this letter that Shri Berry could not be asked for option since in view of the charge-sheet he stood debarred from future promotion as a Special Asstt. The management had in fact till then no

clear cut policy in respect of promotions or allotting allowance carrying jobs to bank employees who were under a charge-sheet and the Agent consequently sought a clarification from the Head Office as is clear from endorsement Ext. R/5/1 on the letter Ext. R/5. The Head Office and the Divisional offices tried to sort out what was the policy or should be the policy in this regard. Individual cases were collected from different branches to ascertain how things had been happening hitherto before. One Shri T. S. Ahluwalia, a clerk in the Mall Road Branch of the respondent Bank at Patiala was not promoted to officiate as Special Assistant as he had been charge-sheeted. This information is had from Ext. R/4, dated 23rd August, 1971 and another letter Ext. R/3, dated 24th December, 1971 addressed to the said Shri Ahluwalia by the Divisional Office, Chandigarh. In the letter Ext. R/4, the Agent of the Bank concerned had been told by the Divisional Office not to let Shri Ahluwalia work as a 'Teller' and reliance by the Divisional office was placed on policy letter Ext. R/1, dated 4th August, 1967. An enquiry with regard to the circumstances in which Shri Berry was allowed to work as a Teller also started. We have requisite information in the letter Ext. R/9, dated 7th March, 1972 addressed by the Divisional Manager to the Head Office wherein it is stated that Shri Berry being the senior most was posted to work as a Teller but the recognised union afterwards took an objection to his appointment. Shri Berry filed representations against the Teller's allowance and the post both having been withdrawn from him. It was in these circumstances that, an Industrial dispute arose and the Central Government in exercise of the powers conferred on it by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following matter to the Central Government Industrial Tribunal, Delhi, as per Notification No. I-12012/87/72/LR.III, dated 13th October, 1972, for adjudication :—

"Whether the action of the management of Central Bank of India, in not allowing Shri S. K. Berry of Civil Lines Branch, Amritsar to work as Teller with effect from 14th February, 1972 is justified? If not, to what relief is he entitled ?

The case was afterward transferred to the Central Tribunal at Chandigarh as per Notification No. L-12012/87/72/LR.III dated 5th December, 1972. The Tribunal at Chandigarh was at that time constituted by Shri P.P.R. Sawheny and when I took over as the Presiding Officer the case was further transferred to the present Tribunal.

On the pleadings of the parties, the following issue was framed by my predecessor on 15-1-1973 :—

Whether the action of the respondent Bank in not allowing Shri S. K. Berry of their Civil Lines Branch, Amritsar to work as Teller with effect from 14-2-72 to 23-8-72 is justified? If not, to what relief Shri S. K. Berry is entitled?

The aforesaid issue is the same as the terms of Reference and the management to justify the action taken by it examined only Shri B. D. Anand, Assistant Zonal Manager as R.W.1. On behalf of the workman, Shri M. R. Lekhi, Divisional Manager of the respondent Bank at Ambala Cantt. was examined as A.W.1 Shri S. I. Goyal, Divisional Manager, respondent Bank Chandigarh as A.W.2 and Shri R. P. Sharma, Divisional Manager respondent bank as A.W.3. Shri Berry himself went into witness box as A.W.4.

One of the main question to be determined in order to give a finding on the controversy is as to what was the promotion policy of the respondent bank in the matter of selecting a clerk to officiate as a 'Teller' at the relevant time, i.e., 3-11-1971 when Shri Berry was selected for this job being the senior most in the Branch. On a consideration of the entire evidence both oral and documentary produced on behalf of the parties I am satisfied that there was no clear cut policy and it all depended on the local concerned officers if a charge-sheeted employee could be selected for promotion or for additional jobs carrying special allowances. In the circular letter dated 11th February, 1972, Ext. R/2, issued by the Zonal office, Chandigarh and produced by the management itself there are observations to the effect that "offices are not adopting any uniform policy with regard to officiating chance to the senior most clerks..... The complaints mainly are on the following lines :—

1. The officiating chance is allowed to charge-sheeted employees being senior most member of the staff, which is in contravention of the policy of the Bank".

Guidelines to the Branches for allowing senior most clerks to work as Special Assistants is then stated in the under mentioned terms :

"(a) As already advised from time to time, charge-sheeted employees should neither be allowed to officiate as Special Assistant nor to work on any such post which attracts special allowance as per the Bi partite Settlement"

The earlier policy letter dated 4th August, 1967, Ext. R/1 purporting to have been issued in pursuance of the provisions of a bi-partite settlement relates only to the quantum of an allowance eligible to the member of a subordinate staff officiating in a post in a higher cadre particularly as a Special Assistant. It is stated in this letter that these members of the clerical staff whose work and/or conduct were not found satisfactory in the past should not under any circumstances be posted to work as Special Assistants even temporarily in leave vacancies. This letter Ext. R/1 had again nothing to do with the case of Tellers. The post of Special Assistant certainly falls in the line of promotion but by being appointed as a Teller a clerk does not get any promotion except that he becomes entitled to a special allowance. Similar is the position in respect of policy letter Ext. R/2. The first policy letter Ext. R/3 and which is stated by Shri B. D. Anand, R.W. 1, to be a clarification about allowing charge-sheeted employees to work as Tellers was issued on 24th December, 1971. It is mentioned therein that an employee against whom an enquiry is pending should not be permitted to work as a Teller which duty carries sufficient responsibility. Attention of the Tribunal has been invited by the parties to Chapter 27 of the 'Desai Award' which deals with Rules regarding promotion. A National Industrial Tribunal was constituted by the Central Government in September 1960 to adjudicate upon some disputes between some banking companies and their workmen and the respondent bank was one of such banking companies. The Tribunal gave the award on 21st July, 1962 covering vast field of existing and apprehended disputes and it is this award which is known as 'Desai Award', Chapter 27 whereof deals with Rules regarding promotion. No hard and fast rules have been laid down in connection with promotion but one thing strongly stressed by the Tribunal is that employees union should not be consulted in this matter. It is also observed that seniority in service should be one of the most important factors but mere length of service alone irrespective of efficiency, educational qualifications, character and nature of responsibility required in connection with the vacancies to be filled up should rather be the main criteria for promotion and that no promotion could be made automatic. In other words a great deal of discretion rests with the management in this connection. Again in the year 1966 there was a bi-partite settlement between the managements of banks as represented by their different associations and All India Bank Employees Federations over various issues. There are subsequent settlements as well between the banks and their employees and the agreement arrived at in 1970 also deals with certain rules governing promotions. There is no direct rule anywhere allowing or prohibiting the promotion of a charge-sheeted employee nor in respect of the advisability of allowing such an employee to do an additional job carrying special allowances. The evidence adduced by the parties is least helpful to resolve the dispute. The Divisional Manager who appointed Shri Berry as a Teller has not been examined and R.W.1 is the officer who had succeeded him. This witness proves the circular letter Ext. R/2 said to have been issued in implementation of the instructions contained in Ext. R/1. The witness admits that Ext. R/5 was a letter received from the General Secretary of Central Bank of India Employees Union Punjab protesting against the chance given to Shri Berry to work as a Teller when the latter had been charge-sheeted. Shri M. R. Lekhi, Divisional Manager of the respondent Bank in Ambala Cantt. has stated as A.W.1 that before 1970 there was a promotion policy though it was changed from time to time but no such policy has been produced. He has testified to the fact that one Shri K. K. Trikha was allowed to officiate in Rohtak though for 3 days despite an enquiry pending against him at that time. The Chief Agent, however, as stated by the witness did not approve this officiation of Shri Trikha, Shri S. L. Goyal refers to

the case of Shri R. K. Joshi as one of the charge-sheeted persons who was given promotion and back wages under an award of this Tribunal copy whereof is Ext. A/8. The deposition of Shri R. P. Sharma, Divisional Manager of Amritsar Branch of the respondent bank as A.W.3 has proved that Ext. A/10 is list of increments due under the graded scheme in the month of January, 1971 and Shri Berry's name appears therein. The conduct of Shri Berry in this document is certified by the Agent of the Bank to be satisfactory. Ext. A-11/1 proved by the same witness is the forwarding letter addressed by the Chief Agent, Amritsar Group recommending the sanction of the increment to Shri Berry and others referred to in Ext. A/10. This witness has been produced by the workman only to show that but for charge-sheet no stigma was attached to his conduct.

I have given my careful thought to the matter and am constrained to hold that it was not fair and just on the part of the respondent management to have abruptly reverted the workman from the officiating additional charge of a Teller thereby depriving him of the additional emoluments available to him by way of Special Allowance and corresponding dearness allowance totalling Rs. 66 per month merely because the workman had been charge-sheeted for an alleged misconduct wholly un-related to the efficiency or responsibility required in the discharge of his duties as a Teller. It is true that one's immediate reaction is that a person who is charge-sheeted should not be given promotion or entrusted with higher responsibilities carrying special allowance but experience about the relations between employers and employees whether in a public or a private sector shows what in the absence of any specific provision in any award, agreement, settlement or any other rule of a binding nature regulating for the time being mutual relation between the employers and their employees or the terms and conditions of service of the latter the serving of a charge-sheet should not by itself stand at least in the way of an employee being allotted an additional job carrying special allowance particularly when no promotion is involved therein. Cases have come to notice where complaints of misconduct are the subjects of an enquiry which lasts for inordinately long time and ultimately the employee is found to be innocent. It is a different matter if, as a result of some charge-sheet the employee is suspended and after an enquiry he is found innocent and reinstated. In such situation the employee usually gets all the benefits of which he was deprived during the period of suspension and his promotion is not affected. How hard will it be indeed if on an unsubstantiated allegation a workman though not suspended is deprived of some additional advantages to which he by virtue of his seniority and good record of service might have otherwise been entitled. Moreover, as observed in 'Desai award' that in the matter of promotion seniority is one of the most important factors but efficiency, educational qualifications character and nature of responsibility required in connection with the vacancies to be filled up should be made criteria for promotion. As already observed above no principle in regard to charge-sheeted employees has been laid down in this award or in any of the subsequent settlements. The matter of promotion is no doubt the discretion of the management but what gleams from the above observation is that efficiency, educational qualifications and character to be considered should be in relation to the nature of responsibilities required in connection with the vacancies to be filled up by promotion. A person who is charge-sheeted for embezzlement of money may not in a proper case be promoted or given additional charge till an enquiry against him is completed and he is found innocent. There are similar other acts of misconduct which may be likely to interfere with the efficient discharge of duties of a bank employee. If the record of an employee is otherwise satisfactory and the management but for the charge-sheet would have not in the normal course deprived him of any extra benefits, it is to my mind the duty of the management as it was in the present case to have examined the nature of allegations of misconduct and then decided whether in view of those allegations the employee could efficiently carry on the additional job of a Teller assuming these allegations to be true. We have in evidence that the enquiry without any effort to complete it was kept pending for one year and Nine months in the present case and I am further convinced that it was more or less an eye wash in the interest of industrial peace that the enquiry was closed. The workman in this case was allowed to work as a Teller for about

three months and he was then reverted by formulating a policy as ex-post facto. It has also been noticed that the protest against chance of a Teller having been given to the workman was initiated by the majority union as per letter Ext. R/5. Desai award has specially condemned that any union should be consulted in the matter of promotion. In the absence of enough material on record I cannot safely come to the conclusion that but for the protest lodged by the Central Bank of India Employees Union Punjab, Shri Berry would have been reverted but be that as it may, this much inference is inescapable that the management must have been, to some extent, influenced by this protest. To encourage a management to deny an employee an opportunity of getting additional job and allowance during the pendency of an enquiry into misconduct wholly un-related to the responsibilities of new duties is to my mind likely to lead to frustration and that chances of favouritism are bound to increase. It is a very simple matter for an ill advised management to serve for extraneous reasons an employee with a charge-sheet wholly un-connected with his duties, keep the enquiry pending and then during that period deprive him of his rights otherwise available in the service. In the result I must hold that the reversion of Shri Berry from the post of a Teller was wholly unjustified and un-called for more so when he had worked on that post without any complaint for about three months, i.e., 3-11-1971 to 13-2-72. The misconduct for which he was charge-sheeted was wholly un-related to the duties entrusted to him.

The sole question that survives for consideration is as to what relief the workman is entitled, in such a case. He was again appointed Teller w.e.f. 24-8-72 and the period for which this additional duty carrying allowance was wrongfully withdrawn from him is from 14-2-72 to 23-8-72. I would have not, in the normal course, directed the payment of allowances for the period when he did not work on the additional job as a Teller but the circumstances of the case are such that I feel that the only way to do justice to the workman is that he must be paid Teller's allowance at the rate to which he was entitled including dearness allowance admissible to him, I order accordingly. There is no order as to costs.

Date 14-8-74

H. R. SODHY, Presiding Officer,
Chandigarh.

[No. L. 12012/87/72/LR(II)]

S.O. 2832.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 9th October, 1974.

**BEFORE SHRI H. R. SODHI, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL CENTRAL, CHANDIGARH.**

Reference No. 1/C of 1973

BETWEEN

The workmen and management of Central Bank of India.

APPEARANCE :

Sarvshri R. K. Joshi and O. P. Manchanda—for the workmen.

Shri C. L. Chawla—for the respondent Bank

AWARD

Shri K. L. Sehgal was a clerk working in Nizam Road Branch of the respondent Bank at Ludhiana. He was not given chance to work as a Teller for some period because by the time opportunity arose for him to officiate as a Teller he had been charge-sheeted for some alleged misconduct. This period of time is stated to be from 3rd February, 1972 to 11th August, 1972. It has not been denied by the management that this workman was senior

most in the Branch at the relevant time and but for the enquiry pending against him he would have been given the chance in the normal course. The post of a Teller does not involve any promotion but the clerk who is given this additional job gets a special allowance. Shri Sehgal raised an industrial dispute and the Central Government being satisfied about the existence of such a dispute acted in exercise of the powers conferred on it by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 and as per Notification No L 12012/86/72/LR.III, dated 12th February 1973 referred the same to this Tribunal for adjudication. The matter referred to is in the following terms —

Whether the action of the management of Central Bank of India in not allowing Shri K. L. Sehgal, Clerk of Nizam Road Branch, Ludhiana, to officiate as Teller with effect from the 3rd February, 1972 to 11th August, 1972 is justified? If not, to what relief is he entitled?

Pleadings were filed by the parties and the issues framed in this regard are

- (1) Whether action of the management of the respondent bank in not allowing Shri K. L. Sehgal of Nizam Road Branch Ludhiana to officiate as a Teller during the period 3rd February, 1972 to 11th August, 1972 was justified?
- (2) If issue No. (1) is found in favour of the concerned workman, to what relief is he entitled?

The management examined Shri S. K. Gaud, Stenographer, Central Bank of India Chandigarh, as RW 1 and Shri D. N. Puri, Agent Central Bank of India, Nizam Road Branch, Ludhiana as PW 2. On behalf of the workman, Shri M. R. Lekhi, Divisional Manager, Central Bank of India, Ambala Cantt. appeared as AW 1 and Shri S. L. Goyal, Divisional Manager, Central Bank of India as AW 2. Shri K. L. Sehgal was examined as his own witness as AW 3. The case of Shri Sehgal as agreed before me is similar to that of Shri S. K. Berry, working in the Civil Lines Branch of the Bank at Amritsar and Reference in respect of the latter before this Tribunal is No 3/C of 1972. Documentary evidence and broad outlines of oral evidence in both the cases is almost the same though the proceedings were not consolidated. The charge sheet against Shri Sehgal, Ext A/7, is in the same terms and both Shri Sehgal and Shri Berry are stated to have been members of the rowdy assembly which shouted slogans and hurled abuses on Chief Agent of Ambala Cantt. outside the office of the Assistant Labour Commissioner in Sector 19-B, Chandigarh on 12th August, 1970 at 5 P.M. It is futile to treat the whole ground over again and discuss the same evidence. The management agreed in the course of arguments that whatever principle is settled in the case of Shri S. K. Berry will so far as this Tribunal is concerned hold good for Shri Sehgal as well. In this view of the matter I for reasons stated in Reference No 3/C of 1972 in which the main award has been given hold that the management was wholly unjustified in not giving Shri Sehgal a chance to do the additional job of a Teller which carried special allowances. This workman, as admitted by him, after the closing of the enquiry was promoted as Sub Accountant. It is in his statement as AW 3 that he appeared before the Interview Committee and was successful with the result that he had become eligible for promotion. This promotion was, of course, withheld during the pendency of the enquiry. The claim of the workman is that though promoted, the promotion has not been given effect to from back date, i.e. from the date when the post to which he was later promoted after the closing of the enquiry in August, 1972 fell vacant. The reference before me is only to the extent whether the action of the management in not allowing Shri Sehgal to officiate as a Teller was justified and if not to what relief is he entitled. I have already observed that Teller's post is not in the line of promotion but only carries a Special allowance. It is not for me in this Reference to adjudicate whether the promotion of Shri Sehgal be from any back date. I would have allowed him Teller's allowance for the period during which the same was wrongfully withheld from him as I have done in the case of Shri Berry but circumstances in the

present case are different. Shri Berry was first given additional charge as a Teller and was later reverted. There is no reversion involved in the case of Shri Sehgal and the normal rule that 'No work, no pay' should govern his case. Shri Sehgal will not, however, be made to suffer in seniority because of the fact that he was for sometime under enquiry and not given chance to work as a Teller. In other words, the whole episode about Shri Sehgal being charge sheeted, not given a chance to officiate as a Teller so as to earn additional allowance and the enquiry then closing will be treated as non-existent in his career of service. The Reference stands answered accordingly with no orders as to costs.

date 26-9-74

H. R. SODHI, Presiding Officer

[No L 12012/86/72/LR.III]

S.O. 2833 — In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bhubaneswar in the industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government on the 8th October, 1974.

BEFORE THE INDUSTRIAL TRIBUNAL, BHUBANESWAR PRESENT.

INDUSTRIAL DISPUTE CASE NO. 4 OF 1973 (Central)

Bhubaneswar, the 26th September 1974

BETWEEN

The employers in relation to the Punjab National Bank—
First Party

AND

Their workman (represented through All India Punjab National Bank Employees Association)—Second Party

APPEARANCES

Shri A. Raichoudhury, Senior Personnel Officer, Punjab National Bank—For the first party

Shri C. I. Bhardwaj, General Secretary, All India Punjab National Bank Employees Association—For the second party

AWARD

The Government of India in the Department of Labour and Employment in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) had by their order No L 12012/20/73 dated 28th May, 1973 referred the following schedule of dispute to the Central Government Industrial Tribunal, Calcutta, but by their order dated 20-8-73, have withdrawn and transferred the same to this Tribunal for adjudication.

"Whether the action of the management of Punjab National Bank in not granting Shri Bindeshwar Pandey Clerk at Rourkela Branch of the Bank increments prescribed in the clerical scale of Rs. 154 460 beginning from the 18th July, 1969 and on subsequent anniversary date is justified? If not to what relief is he entitled?"

The case of the Punjab National Bank, the first party in the case (hereinafter referred to as the Bank) as averred in its written statement and rejoinder, in short, is as follows —

That Shri Bindeshwar Pandey (hereinafter referred to as the workman), after having been qualified in recruitment test

and interview held for temporary hands in the clerical cadre in accordance with the Bank's recruitment rules, was selected as a probationary Clerk and posted against a sanctioned vacancy in the Gauhati Branch Office of the Bank on 26th May, 1970. On his representation, the date of his posting to Gauhati Branch Office was deferred. There occurred a sanctioned vacancy in the Branch Office of the Bank at Rourkela and as the workman wanted his posting to Rourkela Branch Office, his posting to Gauhati Branch Office was cancelled and he was issued a probationary letter of appointment dated 26-6-1970 appointing him as a probationary Clerk-cum-Cashier in Rourkela Branch Office and requiring him to report for duty to the Manager of Rourkela Branch Office on or before 13-7-1970. The terms and conditions of his service were laid down in the letter of appointment. The period of probation was for 6 months. The workman accepted the offer of probationary appointment and joined as a probationary Clerk-cum-Cashier on 10-7-1970 in the Rourkela Branch Office of the Bank.

3. That on completion of probationary period, the workman was confirmed in the Bank's service on 10-1-1971 and since then he has been working as a confirmed Clerk in Rourkela Branch Office. The first annual graded increment in the scale of pay of the workman fell due on 10-7-71 and the same has been released to him. In subsequent years, he has also been granted increments on due dates.

4. That there is no stipulation that a temporary employee is to get annual increment. Since only the confirmed employee is entitled to annual increment, the workman was granted annual increment on 10-7-71 on completion of one year service from the date of his probationary appointment. It is, therefore, submitted by the Bank that the workman is not entitled to annual increment with effect from 18-7-1969.

5. The case of the workman as averred in his written statement and rejoinder, in short, is as follows:—

That the workman was appointed as a temporary Clerk against a permanent vacancy on 18-7-1968 and he continued to work as such without any break till now. That the Bank, with a view to show a break in the service of the workman, utilised his service as a temporary Godown Keeper to look after the godown of M/s. Kalinga Mills Private Ltd. on certain terms and conditions. Since the workman was in continuous employment, he should be treated as a confirmed hand with effect from 17-1-69 i.e. after six months of his original appointment and should have been granted annual increment with effect from 18-7-69 and on subsequent anniversary dates in terms of the Bank Award as modified up-to-date and as per the prevailing practice in the Bank. Despite demands by the Union representing the workman, he has not been granted annual increments with effect from 18-7-69 and on subsequent anniversary dates. The action of the Bank in not granting annual increments with effect from 18-7-69 is illegal and arbitrary and contrary to the provisions of Bank Award as modified up-to-date. It is submitted that the workman should be granted annual increment on 18-7-69 and on anniversary dates and should be treated to be a confirmed hand with effect from 18-1-69.

6. The Bank in order to justify its action in refusing to grant two increments to the workman Sri Pandey has, in substance, contended that the confirmed employees alone are entitled to annual increments and Sri Pandey was not entitled to two annual increments i.e. on 18-7-69 and 18-7-70 as he was a temporary hand. The Union contends that even if Sri Pandey is held to be a temporary hand during the period from 18-7-68 to 18-7-70, he is entitled to annual increments as per the findings in para 85 at page 28 of Sastry Award which have not been modified either by Desai Award or by bipartite settlement dated 19th October, 1966.

The workman Sri Pandey in his evidence asserts that he has been in continuous employment of the Bank from 18-7-68. This assertion of Sri Pandey has been admitted by M.W. 1 who was the Manager of Rourkela Branch of the Bank during the period from June, 1968 to August, 1970. At the argument stage it was the common case that Sri Pandey has been in continuous service of the Bank right

from 18-7-68 till now. From 18-7-68 upto 2-6-69, he was a Clerk-cum-Cashier of the Rourkela Branch of the Bank and from 2-6-69 to 10-7-70, he was working as a Godown Keeper under the Bank. On 10-7-70, he was posted on probation and was confirmed on 10-1-71. Vide Ext. Q. The documents filed on eatherside do not go to show that the workman Sri Pandey worked as a permanent hand during the period from 18-7-68 to 18-7-70. It is asserted by M.W. 1 that the workman Sri Pandey was a temporary hand from 18-7-68 till 18-7-70. His version finds support from the application of Sri Pandey for appointment as Godown Keeper (Ext. A), appointment letter issued to him Ext. B and Exts. C, D and E under which the term of his appointment as Godown Keeper was extended from time to time. As he happened to be a temporary hand, he had to appear for a job test held for temporary hands, vide Ext. F. The workman has himself admitted that he appeared for a job test held for temporary hands at Patna. On the aforesaid analysis of the evidence on record, I hold that the workman Sri Pandey continuously worked as a temporary employee under the Bank from 18-7-68 to 18-7-70.

7. The Union drawing my attention to para 508 at page 140 of the Sastry Award and para 20.7 at page 60 of the Bipartite Settlement dated 19-10-66, contends that a temporary employee is a workman and he is entitled to annual increments as per the findings in para 85 at page 28 of the Sastry Award. He urges that as per the findings in paras 5.121 and 5.122 at page 100 of Desai Award, the findings of Sastry Award in paras 85 and 508 at pages 28 and 140 respectively have been approved. There is no observation in the Desai Award superseding the findings of Sastry Award regarding the definition of temporary employee and entitlement of temporary workman to annual increments.

8. It is found from para 508 of Sastry Award that temporary employee is a Class of employee of the Bank. So also is the case as per the provisions of para 20.7 at page 60 of the bipartite settlement dated 19-10-66. As per the findings in para 85 at page 28 of the Sastry Award, all workmen are entitled to the benefits of increments as a matter of course provided there is no substantially good ground to deprive them of the same. Thus, a temporary employee of the Bank is entitled to the benefits of annual increments. The representative of the Bank has not cited any rule to show that temporary employees are not entitled to the benefits of annual increments. He merely submits that as per practice, confirmed employees of the Bank are entitled to annual increments. The Bank has not placed any document to show the practice obtaining in the Bank to grant annual increment to the confirmed employees alone. Rather, as it appears from the bipartite settlements Exts. 8, 9 and 10, which were entered into between the Bank and the Union, the temporary employees have been granted annual increments in the graded scale. On the aforesaid analysis of the evidence on record, I am convinced to hold that the workman Sri Pandey is entitled to annual increments as on 18-7-69 and 18-7-70 and the management is not justified in refusing to grant the said two increments.

9. Therefore, I hold that the action of the management of Punjab National Bank in not granting Shri Bindeshwar Pandey, Clerk at Rourkela Branch of the Bank increments prescribed in the clerical scale of Rs. 154-460 beginning from the 18th July, 1969 and on subsequent anniversary date is not justified. The workman Shri Pandey is entitled to the relief of two increments as falling due on 18-7-69 and 18-7-70.

The reference is answered and award is passed accordingly.

26-9-1974.

L. MALLICK, Presiding Officer,

[No. L. 12012/20/73/LR/III]

S.O. 2834.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the Indian Airlines and their workman which was received by the Central Government of the 1st October, 1974.

**BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD.**

Industrial Dispute No. 16 of 1972

BETWEEN

Workmen (B. Krishna Dev Singh) of the Indian Air Lines, Hyderabad.

AND

Management of Indian Airlines, Hyderabad.

Appearances :

Sri V. Jagannadha Rao, and Sri R. Rangaiah, Advocates for Workmen.

Sri R. Raghavan, Advocate, for Management.

AWARD

The Government of India, Ministry of Labour and Rehabilitation, Department of Labour and Employment, through notification No. L. 11011/3/72LR III, dated 12-5-1972 referred the Industrial Dispute between the Employers in relation to Indian Airlines and their workmen under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 (which would hereinafter be called the Act) for adjudication by the Tribunal on the following issue:

"Whether the action of the management of the Indian Airlines, in terminating the services of Shri B. Krishna Dev Singh, Junior Traffic Assistant, Hyderabad, with effect from the 14th April, 1969, was justified. If not, to what relief is the workman entitled?"

2. This reference was registered as Industrial Dispute No. 16 of 1972 and notices were directed to the claimant-workman and to the Respondent-Management. The claimant filed a claims statement inter alia alleging that he is a graduate in Arts and was appointed in the Indian Airlines Corporation at Hyderabad as Junior Traffic Assistant by the order of the Respondent-Management dated 30-4-1968. The first appointment was said to be on temporary basis upto the period ending 30th June 1968, but the claimant continued in employment till 14th April, 1969. Before the claimant was appointed he appeared for the test conducted by the Management besides satisfying the educational and other qualifications. During his tenure of service upto 14th April, 1969 the Management never complained about his performance. On 18-3-1969 he was directed by the Station Head of the Management to report to the Regional Director, Madras Region on 22nd March, 1969. Accordingly he appeared before the Regional Director. On the said date the claimant along with some other was asked to type certain matter to dictation. The allegation is that it was not made known to the claimant that the Management was holding any test or examination while the claimant and others were so asked. It is also alleged that in the advertisement calling for the applications to the post of Junior Traffic Assistant, type-writing qualification was not a compulsory one. It is however alleged that the claimant is not a typist nor did he represent in his application that he possessed proficiency in type-writing. It is thus contended that proficiency in type-writing was never made a condition precedent by the Management for the appointment to this post. The aforesaid type-writing test held at Madras was therefore not taken seriously by the claimant. It was also

not taken as if it was a test. After his return from Madras the claimant was served with the order of termination of his services in the proceedings of the Regional Director, Madras dated 14-4-1969. The reason given for termination was that his work is not upto standard and hence his services were terminated with immediate effect. The claimant preferred an appeal against this order of termination to the Personnel Manager, Indian Airlines, but without any effect. He therefore raised an industrial dispute before the Regional Labour Commissioner (Central) at Hyderabad through his representation dated 14-6-1969. The conciliation efforts are said to have failed and hence this reference. The termination order is challenged on the following among other grounds. The regulations of Indian Airlines Corporation have not the force of certified Standing Orders, and hence those regulations are not binding upon the claimant. Any order passed in exercise of the powers and under the Regulations is said to be illegal, as the said Regulations do not lay down the terms and conditions of the contract of service. The Regulations of the Indian Airlines Corporation have no statutory force to over-ride the model Standing Orders or the Industrial Employment Standing Orders Act, 1946. The contention is that any order of termination that could be passed ought to have been in accordance with the Model Standing Orders, but since the Management purported to Act under the Regulations, the order of termination is said to be illegal. Neither the standard of work nor the norms of job content were served upon the claimant during or before the employment. In the absence of any such standard or job content being a part of the terms of conditions of employment, the reason as given in the termination order that the claimant's work was not upto the standard is said to be very vague and without any evidence to support. The opinion formed by the employer is said to be a subjective one but not based on any objective data or material. During the course of employment no adverse remarks are said to have been made with regard to the work of the claimant. Thus the termination is said to be without proper proof and valid reasons and therefore a mala fide one. It is also contended that though the appointment of the claimant is shown to be temporary in the order of appointment, the language of the appointment order is not itself conclusive and the appointment in fact was a regular appointment and the claimant falls under the category of permanent workman as per the Model Standing Orders. The termination order therefore is said to be improper and unjustified.

3. The Respondent in its counter alleged that the claimant was appointed as temporary Traffic Assistant with effect from 2-5-1968 to 30-6-1968 but this temporary appointment was extended from 1-7-1968 to a further period of six months and again for a period of three months from 1-1-1969 to 31-3-1969. The case of the Management is that the selections for the posts of Junior Traffic Assistants in the year 1968 came under severe criticism due to some complaints and a senior Officer of the Corporation investigated into the matter and found that there were number of irregularities. In the said selection 24 Junior Traffic Assistants have been appointed temporarily. One of the important irregularities revealed at the time of investigation was that the candidates who were selected did not possess the prescribed qualifications of the knowledge of typewriting. The Corporation therefore decided to put all the 24 persons so appointed temporarily to a test. The test was held at Madras and out of 24 persons only 7 of them were qualified and retained in service on a temporary basis. The services of the remaining 17 including the claimant were terminated. It is reiterated that the claimant was only a temporary employee of the Corporation from 2-5-1968 upto the date of his termination. To the representations made by the claimant against this order of termination to the General Manager, the latter is said to have informed that the termination order is no bar for his being considered for employment in the Corporation subject to his fulfilling the prescribed qualifications required for the post. In spite of it the claimant has said to have raised an industrial dispute by approaching the Regional Labour Commissioner at Hyderabad who commenced conciliation Proceeding on 3-11-1969. The Management is said to have made clear that the claimant can apply for a fresh appointment subject to his possessing the requisite qualifications. The claimant thus applied for the post of Traffic Assistant again on 20-10-1969. He was interviewed by the Selection Committee on 6-1-1971 and was found unsuitable. The assistant Labour Commissioner is said to have

re-opened the Conciliation proceedings after a lapse of two years, and ultimately reported failure of conciliation. In this context it is also alleged that there were conciliation proceedings initiated at the instance of one Mr. Prabhakar whose services were also terminated along with that of the claimant herein. The conciliation efforts having failed, the Ministry of Labour did not think it a fit case for reference to the Industrial Tribunal for adjudication as the action of the Management in terminating his services was not found *prima facie mala fide*. Thus the suggestion is that while a similar case was not referred for adjudication, on the same grounds the reference that has come to be made to the Tribunal for adjudication is erroneous. The Standing Orders consisting the discipline and appeal of Indian Airlines Employees are said to have been made in exercise of the powers conferred by Section 45 of the Air Corporation's Act of 1953, with the approval of the Central Government and were gazetted on 19-7-1958. The services of the claimant are alleged to have not been terminated for any misconduct and therefore the said order does not fall within the purview of removal or dismissal, as laid down under Rule 17 of the said Standing Orders. It is alternatively contended that even under the Model Standing Orders the services of temporary workmen are terminable without any notice or pay in lieu thereof. It is therefore denied that the termination is illegal. It is reiterated that since the claimant was a temporary employee and no punishment was intended to be imposed upon him, no show cause notice was required nor any adverse observations during the tenure of his service were required. It is thus denied that the Order of termination is either *mala fide* or unjustified. It is contended that admittedly the claimant was appointed on a temporary basis and from the mere fact that he has undergone training he cannot be deemed to be a permanent employee. The further contention is that the very nature of appointment postulates the termination of service of a temporary employee in the event of the employer finding him not required for even an unspecified reason and that such a termination would not attract the provisions of the Industrial Disputes Act. It is contended that the whole reference is without jurisdiction and that the claim deserves to be dismissed in limine.

4. In support of the claim, the workman examined himself as W.W. 1. Exs. W1 to W12 are marked in documentary evidence. Exs. M1 to M29 are marked by consent. The Senior Officer of the Central Government who made an enquiry into the irregularities regarding the appointment and recruitment of the Traffic Assistants at Madras centre is examined as M.W. 1 in rebuttal. His report Ex. M30 and its Photostat copy Ex. M30(a) were marked. Ex. M31 was also marked by consent.

5. The facts as would emerge from the evidence and which are relevant lie in a very narrow compass. The claimant made an application as per Ex. M1 for appointment to the post of Traffic Inspector on 11th January 1968. This application was addressed to the Commercial Manager, Indian Airlines Corporation. On 10-1-1968 the Administrative and Personnel Officer of Indian Airlines, Madras invited applications for the post of Junior Traffic Assistants on temporary basis as per Ex. M3. The minimum educational qualifications required was matriculate or its equivalent. Knowledge of type-writing was essential; previous Airline work was held desirable. The applications were to reach the Administrative and Personnel Officer on or before 22-1-1968. A similar employment notice calling for applications to the same posts was issued on 25th April 1968 as per Ex. M4. One of the employment notices appears to have been published in the Hindu and Indian Express, Madras issue. Ex. M7 is the paper cutting of one such issue. According to the Enquiry Report of M.W. 1 this advertisement was with regard to the second employment notice. The actual dates with reference to which it can be said that one of these notices was published by public advertisement are somehow conflicting as can be seen from Ex. M5 and the second employment notice Ex. M4. Be that whatever it may. The qualifications prescribed for appointment under both the notices are the same. The claimant was asked to appear for a written test at Madras on 7th April, 1968 as per Ex. W1. Later there was an interview consequent to which the claimant was offered the post of Junior Traffic Assistant on temporary basis as per Ex. W2. It is however mentioned in Ex. W2 that the same could not be construed as the letter of appointment. Under Ex. W4 the claimant was appointed as Junior Traffic Assistant with effect from 2nd May, 1968. The appointment was purely

temporary one upto the period ending 30-6-1968. I will advert to the conditions and terms contained in this letter at the appropriate stage. Under Ex. W5 the claimant was called to report to the Regional Director, Madras on 22nd March, 1969. It is the evidence of the claimant that he along with 23 others was asked to type the matter dictated, Ex. M28 is the matter which was typed by the claimant. It is also the evidence of M.W. 1 that the appointment of this claimant as per the list was in connection with the employment notice Ex. M3 whereunder in all 16 candidates were selected. According to him in response to the second employment notice 9 candidates were selected. It is common case that the services of the claimant were extended from 1-7-1968 to 31-12-1968 and again from 1-1-1969 to 31-3-1969. Under Ex. M8 the services of the claimant were terminated. The Order reads as follows:—

"As your work is not upto standard, your services are no longer required with immediate effect. Your account will be settled after your commitments are checked."

This order also mentions that the appointment was temporary and that the temporary appointment was also extended from time to time for the above mentioned periods. The case of the Management is that though the knowledge of typing was an essential qualification for appointment, the candidates were not put to any such test and infact out of the 16 selected 9 have not mentioned in their applications about their possessing efficiency in typing at all. The processing of the application is said to be done erroneously and even the selection of the candidates is said to be irregular for various reasons as detailed in the enquiry report of M. W. 1 as per Ex. M 30.

6. The broad question that arises for consideration is whether the service of the claimant can be terminated for not having proficiency in typewriting and in that manner his work is not upto the standard and even though it might be said that he was erroneously selected in disregard of the essential qualification of proficiency in type-writing. On the face of it in his own application the claimant has not claimed any such proficiency but it cannot be disputed that his selection was only with regard to the employment notice Ex. M 3 wherein the requisite qualifications stand mentioned.

7. The following contentions are raised on behalf of the claimant 1. The reason for the termination shown as the work of the claimant not being upto the standard is not established and is not based on any objective data. Therefore the termination is arbitrary and colourable exercise of the powers of the Management. (2). According to the Management the claimant is not upto the mark in type-writing but such a reason is not mentioned in the order of termination. Thus the allegation of not being upto the standard is a vague term and amounts to an arbitrary decision and that it also amounts to punishment and the termination is not a *bona fide* one. 3. In effecting the termination even the provisions of the Regulation No. 13 are not followed, in the sense that there is no simultaneous payment of the basic wage while terminating the service. For the breach of Regulation 13 the termination order has to be set aside. (4). The Regulations of the Respondent Corporation do not cover the field of termination and therefore any termination ought to be in accordance with the Central Model Standing Orders and that the Respondent has committed the breach of the Standing Orders in not following the procedure laid down therein for termination of the services of the claimant. (5) The terms of appointment as per Ex. W4 do not contain any extension clause with regard to the employment. As such the extension of the probationary period upto the end of March, 1969 is said to be illegal. The suggestion in this context is that on completion of the three months probation, the claimant acquired permanency, as per the Standing Orders. (6) Since the Model Standing Orders are applicable as to the terms and conditions of service, Clause 2 of the appointment order relating to the termination of service on 24 hours notice without assigning any reason therefor is said to be not applicable. It was lastly contended that the claimant ought to have been given time to improve his proficiency in typewriting even if he is found to be below the standard. Thus in short, the contention is that as the termination is *mala fide* and is opposed to Regulations, the employee is entitled for reinstatement with back wages. It was on the other hand contended for the Management that as per the terms of employment, the claimant was a temporary employee and

that under the Regulations the term of employment could be extended and the Regulations framed by the Corporation with the approval of the Government under Section 45 of the Air Corporations Act would themselves lay down the terms and conditions of service. The Model Standing Orders are said to have no application. Since the claimant is said to be a temporary employee his services could be dispensed with, without there being any enquiry whatsoever. It is contended that the provisions of the Regulations as to the termination were complied with. Since type-writing was one of the essential requirements for appointment, and the claimant has not undergone the test at the time of selection, he along with other 23 selected candidates were called for a test and only 7 out of 24 were found to be proficient and therefore the services of 17 candidates including the claimant were terminated. It is thus contended that there were no mala fides. The further contention is that since the work of the claimant also involves type-writing work, and as he was not proficient in type-writing, the reason assigned for termination of his services is shown as not upto the standard. The reason therefore is said to be not vague or arbitrary but based on objective test.

8. The question whether the claimant was temporarily appointed or appointed provisionally in a permanent post is considered at the outset. Para 2 of Ex. W4 reads that the appointment is purely temporary upto a period ending 30-6-1968. In the claims statement it is admitted that the first appointment was purely temporary. But the contention is that since the post in which the appointment is made was meant to be a permanent one, the claimant must be deemed to be a probationer. The question as to when a probationer can be deemed to have completed his probation is again one that has to be considered with reference to the terms and conditions of employment that are applicable to the claimant. Under the Model Standing Orders (Central) a probationer is defined as a workman who is provisionally employed to fill the permanent vacancy in a post and has not completed three months services therein. Thus while it is the contention for the claimant that the Model Standing Orders are applicable to him it was asserted by the Management that the Regulations framed under Section 45 of the Air Corporation's Act govern the terms and conditions of service. A temporary employee is defined in Chapter II of those Regulations (published in the Gazette of India March 12, 1960) as meaning an employee whose services have been engaged for a specific period which may be extended from time to time for work of a temporary nature against the temporary sanctioned establishment. Clause 9 of the Regulations reads that every person appointed to a service or post of the Corporation shall undergo a period of probation, which is laid down as six months for employees of Grade 1 to Grade 9 and for other employees as one year. The very clause also reads that the probation can be extended or relaxed. Clause 8 of these Regulations reads as follows:—

"Appointments to various posts shall be made by promotion or direct recruitment or by deputation from the Government of India or any other State Governments in accordance with such conditions the Corporation may determine from time to time."

It can be seen from the definition of temporary employee as contained in the Regulations that the work for which an employee is engaged may be equally of a temporary nature. It is not the case of the Respondent that the post of Junior Traffic Assistant is of a temporary nature to which the claimant was appointed. It might be that the appointment was a provisional one. But since as contended by the claimant the post is of a permanent nature, his appointment must be deemed as a probationer though it is styled as temporary one. I am inclined to accept the contention of the claimant that though his employment was extended from time to time, the nature of employment was in the nature of a probationer. The next question that arises is whether the probation can be extended from time to time. Clause 9 as referred to above empowers the extension of the probation period. Whether this extension was legal is again a question that has to be determined in the light of the conditions of service that are applicable. Though in the Model Standing Orders framed under the Andhra Pradesh Industrial Employment Standing Orders, the probationary period is said to be six months in the aggregate, the period of probation can be extended not exceeding six months but

under the Central Rules and the Model Standing Orders no such provision for extension is made. The contention of the Management is that the Corporation is entitled to determine the conditions of appointment under Clause 8 of the Regulation and that under Clause 9 there is no limit to the extension of the probationary period. Thus the contention in short is that the Regulation made under Section 45 of the Air Corporation's Act and the conditions that can be prescribed for appointment would in themselves govern the conditions of the service of the employees and that the Standing Orders have no application. As to the character of this Regulation, the following passage occurs in Ruling of the Supreme Court, *Indian Airlines Corporation Vs. Sukdev Rai* reported in AIR 1971, S.C., page 1828 on page 1834 is extracted below with advantage.

"As observed earlier, under Sections 8(2) and 20, the appellant-Corporation has been given the power to employ its own officers and other employees to the extent it thinks necessary on terms and conditions provided by it in regulations made under Section 45. The regulations contain the terms and conditions which govern the relationship between the Corporation and its employees. Though made under the power conferred by the statute, they merely embody the terms and conditions of service in the Corporation but do not constitute a statutory restriction as to the kind of contracts which the Corporation can make with its servants or the grounds on which it can terminate them. That being so, and the Corporation having undoubtedly the power to dismiss its employees the dismissal of the respondents was with jurisdiction and although it did subsist was wrongful in the sense of its being in breach of the terms and conditions which governed the relationship between the Corporation and the respondent it did subsist."

The above ruling is therefore an authority for the proposition that the Regulations and the conditions that would be determined by the Corporation from time to time with regard to the recruitment are the terms and conditions of service of the employees under the Corporation. In this view there is no warrant for having recourse to the Model Standing Orders. Thus even assuming that the claimant was a probationer and not merely a temporary employee, the extension of probation period from time to time is not bad in the sense that such extension is contrary to the Model Standing Orders. It is true that where a contract provides for a different period of probation contrary to the Standing Orders which govern the terms and conditions of service, such contract cannot be allowed to prevail. Authority can be had in a ruling of the Supreme Court reported in *Supreme Court Labour Judgements 1973* page 304. But when it is held that under the Regulation or as per the Regulations the Corporation is entitled to determine the conditions of service, the extension of probation which is specifically empowered by clause 9 of the Regulations, the extension is not violative of any conditions of service. It can be recalled that from the date of the initial appointment, the claimant has not completed one year of service. It is not as though his services were confirmed during any such period. Under the very Regulation a 'permanent employee' is defined as one who has completed as prescribed probationary period and who has been thereafter confirmed as the regular member of the staff. It is also not the case of the claimant that he was confirmed in this post at any time. Thus the claimant continued only as a probationer. This leads me to the question whether the termination of the probationer was bonafide or reasonable. As a question of law it can be stated that there is no prohibition for the Tribunal going into the question of the validity of a termination order even in case of a probationer. It is held in *Supreme Court Labour Judgements*, in 1973 page 311.

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"There can be no doubt that the Tribunal can, in a case where an industrial dispute is raised, go into the question of the validity of the order of termination even in the case of a probationer whose services have been dispensed with before the probation expired without assigning any reasons. What has, therefore, to be seen is whether the action of

the appellant is mala fide or whether it amounts to victimisation of the employee or is an unfair labour practice, or is so capricious or unreasonable as would lead to the inference that it has been passed for ulterior motive and is not in bona fide exercise of the power arising out of the contract."

I would advert to the question of bona fides involved in the matter at a latter stage. I would presently consider whether in terminating the services of the Petitioner there has been any breach of the regulations. It is held in Andhra Pradesh High Court notes 1974 page 146, "Order of termination can be held bad in law if it contravenes the regulation on the principles of natural justice." It is further held, "the result of the fore-going discussion is that although the Petitioners have no right to hold the U.D.C. post to which they are promoted by Regulation 14, even the temporary promoted have to be reverted only in accordance with the Regulation 14. Since the order of reversion contravenes Regulation 14 the impugned order is bad in law". That was a case under the Regulations framed under the Andhra Pradesh Electricity Board. Thus it can be taken as well settled that the employment under the statutory bodies differs from ordinary private employment and that where the statutory scheme of employment confers a status on the worker, the termination of his services can only be done in accordance with the statutory regulation. It can be recalled that as per Clause 8 of the Regulation the conditions of recruitment can be determined by the Corporation from time to time. Though it is sought to be elicited from MW 1 that the conditions of recruitment are not laid down, either by the Regulation or otherwise, the conditions or the requisite qualifications laid as essential for appointment under Ex M 3 cannot be said to be invalid or unreasonable. Under Ex W 4 the conditions of appointment are also laid down. Para 2 of the letter of appointment (Ex. W. 4) shows that the services of the claimant are terminable on 24 hours notice without any reasons therefor. Para 6 of the letter lays down that he will be governed by the orders and instructions applicable to temporary employees as issued from time to time. As already stated above, the reference to temporary appointment can be taken as a provisional appointment. Thus according to this letter of appointment the provisional appointment is liable to be terminated on 24 hours notice. What was contended is that this Clause in the appointment letter is even contrary to Regulation 13 which reads as follows ---

"The services of an employee are terminable at 30 days notice on either side or basic pay in lieu"

The contention is that any conditions determined under Clause 8 of the Regulation cannot override clause 13, which according to the learned counsel covers all employees either permanent or temporary or employees on probation. Thus according to him, 30 days notice is essential or there must be payment of basic pay in lieu thereof. It is contended that for termination the payment of one month's basic wage was a necessary condition. The termination order Ex. M. 8 reads that the accounts of the claimant will be settled after his commitments are checked. It is not difficult to say that there was no payment of the basic pay simultaneously. Reliance is placed in support of the contention of the breach of the Regulation while the order of termination is made, on a ruling reported in Supreme Court Labour Judgment 1972 page 120 (SENIOR SUPDT R.M.S. COCHIN v. K. V. GOPINATH, SORTER). That was a case under the provisions of Rule 5 of the Central Service (temporary Service) Rules 1965. It is laid down therein:

"Payment is a condition of termination of service forthwith. . . Rule 5 is capable of the only interpretation that the order of termination can be upheld if the requisite amount in terms of the rule was paid into the hands of the employee or made available to him at the same time as he was served with the order. The rule does not lend itself to the interpretation that the termination of service becomes effective as soon as the order is served on the Government servant irrespective of the question as to when the payment due to him is to be made."

The condition of immediate payment under the above rule stems from the very language of the proviso to Rule 5. The proviso reads as follows:

"Provided that the services of any such Government servant may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay plus allowances for the period of the notice."

The said language is distinctly different from the wording of Regulation 13 which only says that the services of an employee are terminable at 30 days notice of basic pay in lieu. This Regulation does not refer to an immediate or simultaneous payment along with the order of termination. I may in this context also refer to the proviso to Section 33(2)(b) of the ID Act where in the discharged or dismissed workman has to be paid one month's wages when an order of discharge is passed. This proviso has been construed as tendering the amount by the employer and not the actual payment. As per the order of termination Ex W 6 it stands mentioned that the account of the claimant will be settled after his account is checked. Thus the amounts due are broadly mentioned as the account which is capable of interpretation that the basic pay of the claimant or the discharged workman is also offered. Having regard to the language of Regulation 13 which has been read by me in contra distinction with the ruling of the Supreme Court referred to above and also to proviso to Section 33(2)(b) of the ID Act I am led to hold that under this Regulation a simultaneous payment of basic wages is not a condition precedent or necessary condition for passing the termination order. In this view there cannot be said to be any breach of the Regulation.

9 It was next contended that the Regulation does not provide for disciplinary action where the employees services are terminated by way of punishment. The contention is that since the field of disciplinary action against the employees by way of punishment or for misconduct is not covered by the Regulation, the Central Standing Orders are attracted. It is not shown by the Respondent that under the Regulations there is any provision with regard to disciplinary action. In the absence of any provision I have to conclude that if the order of termination of the claimant was by way of punishment or for misconduct the provisions of the Industrial Employment Standing Orders are attracted. But there is another impediment in applying those Standing Orders to the instant case. Rule 13(2) of the Model Standing Orders (Central) lays down as follows ---

"No temporary workman whether monthly rated, weekly rated or piece rated and no probationer or badli shall be entitled to any notice or pay in lieu thereof if his services are terminated. But the service of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining charges of misconduct against him in the manner prescribed in paragraph 14."

Paragraph 14 or Rule 14 lays down the procedure for disciplinary action for misconduct. Reading Rules 13(2) and 14(2) together it would emerge that in case of a temporary workman where the termination is by way of punishment and is also in connection with the charge of misconduct, the procedure laid down with regard to the disciplinary action for misconduct has to be followed. Thus a probationer or a badli is outside the pale of Rule 14. Even if the claimant's case is accepted that he is a probationer and even if it is assumed that the allegation that his performance is not upto the standard amounts to a punishment, there is no rule under the Central Model Standing Orders which enjoins upon the Management to give him an opportunity of putting his explanation. It cannot also be said that the allegation of the performance not being upto the standard amounts to any misconduct, as enumerated under Rule 14(3) of the Central Rules. In this view also there is no force in the contention that there has been a violation of the Standing Orders, in effecting the termination.

10 The question however remains whether the termination is a mala fide one or that it was by way of victimisation or is an unfair labour practice. As noted above, this question even with regard to the termination of a probationer can be

gone into by the Tribunal. The contention for the learned counsel for the claimant was that the term or the allegation that the work of the claimant is not upto the standard is too vague a term and such an allegation denotes punishment and also in case where the reasons are vague, the termination can be said to be by way of punishment. Reliance is placed upon AIR 1964 Supreme Court page, 423. The facts of that case are entirely different. There were a number of circumstances under which the Supreme Court held that the reversion of an Additional Superintendent of Police to substantive rank of Assistant Superintendent of Police amounted to a reduction in rank though the ground suggested for reversion was unsatisfactory conduct. That ruling is not of much avail to show that the very allegation of the work being not upto the standard constitutes any punishment. It was next urged that admittedly the test in typewriting was held at Madras subsequent to the appointment. If the Management found the performance of the claimant in type-writing as not proficient, such a reason ought to have been mentioned in the termination order. The present reason given in the termination order being contrary to this opinion of the Management based on typewriting test, is said to be an erroneous reasoning and this also suggests the arbitrary nature of the termination order. Reliance is placed upon a ruling of the Allahabad High Court reported in 1974 Labour Indian Cases, page 819. The facts and the dictum laid therein are as follows:—

“(A) Petitioner who was a temporary government servant was approved for appointment by the Public Service Commission but was not selected but placed on the reserve list. He was again asked to appear for examination and his services were terminated on the ground that he was rejected by the Commission. Held that the termination order was vitiated being based on irrelevant consideration.”

The contention thus was that during the tenure of service there was no adverse remark against the performance of the claimant and the allegation of unsatisfactory performance based on the type-writing test is said to be irrelevant. The other contention in the same strain is that no evidence is adduced by the employer before the Tribunal as to the unsatisfactory work of the employee. In the absence of any such evidence the action of the Management is said to be punitive and mala fide. Reliance is placed in support of this contention on a ruling of the Supreme Court reported in 1966(1) L.J., page 398. I would consider all this aspect together as the discussion is likely to over-lap. Though the claimant would put it that his application was for the purpose of Traffic Inspector, it cannot be gain said that his selection has come to be made in connection with the employment notice for the posts of Junior Traffic Assistants as put up by Ex. M 3. It is not necessary for me to advert to the question as to why the claimant has sent his application to the Commercial Manager and also not in pursuance of any notice of employment. Be that whatever it may. As per the employment notice Ex. M 3 knowledge in typewriting was essential for appointment to this post. It is true that the claimant has not professed any proficiency in typing while making the application. The point for consideration is whether the Management is well within its limits to call the selected candidates subsequently for a test in typewriting and thus ascertain their suitability to the job. The foremost question therefore is whether the posts are such where the knowledge of typewriting is necessary or can it be said that such a knowledge is only desirable, dehors the qualification so prescribed under Ex. M 3. It is the evidence of the claimant that in his job as Junior Traffic Assistant he was doing typing work in Hyderabad Office. He was issuing tickets, attending to reservations and enquiry, and typing the passenger list. In view of this admission it cannot be said that the post is one in which knowledge of type-writing is not necessary but only desirable. Thus Typewriting is a part of the job. It is true that after appointment or at the time of appointment of the claimant the job norms are not prescribed. Having regard to the nature of work which was being performed by the claimant, which job involves the work of typing, it cannot be said that the requirement of proficiency in typewriting was an unreasonable insistence by the Management. It is common case that the claimant along with 23 others was called to Madras where they were asked to type some matter to dictation. The case of the claimant is that he was not given

any advance intimation of the proposed test in typing. To my kind even an advance intimation with regard to a typing test would not have enabled the claimant to acquire proficiency in typewriting overnight. It is not as though on account of the advance intimation he could cram a few subjects which would have enabled him to give out better performance, for the reason that the speed in typing could only be acquired by practice and not over-night. The matter typed by the claimant is marked as Ex. M 28 by consent. Similarly the matter typed by another candidate by name Prabhakar is marked Ex. M 6. It is not for a moment contended that the out turn of the claimant during the test is in any way commendable or upto the mark. According to the reports of M.W. 1 the average speed is 30 w.p.m. which can be said to be proficient in typewriting. The performance of the claimant was nowhere near the mark as it is found to be only 88 words per minute as is noted on Ex. M 28. Even with regard to the other candidate Prabhakar the speed and the number of words omitted, are also found noted on Ex. M 6. Thus the opinion of the Management as to the nature of the work not being upto the standard is not only a subjective opinion but based on objective data. I have already held that the insistence by the Management as to the proficiency in typewriting arises from the very nature of the job and it is therefore reasonable. The opinion of the Management as to unsuitability of the claimant to the job is therefore not an arbitrary or capricious one but based on objective data. Though the claimant was selected, regardless of the essential conditions as to proficiency in typing, an opportunity was given to the claimant to prove his proficiency in typewriting when he called for such a test. It is true that in the order of termination it is not specifically mentioned that the claimant was not upto the standard in typewriting but it cannot be said that the reason given is some thing different from the actual opinion formed on the basis of the test in typewriting. Since the performance in typewriting as is noted and born out by Ex. M 28 is an admitted one no further evidence is required to be let in before the tribunal by the Management in support of its opinion that the work of the claimant is not upto the standard. It cannot for a moment be premised that the claimant was singled out for an action by the Management on account of any victimisation. It cannot also be said that the termination amounts to an unfair labour practice or that it is a mala fide one. As many as 17 candidates who were selected initially could not prove their proficiency in typewriting. Thus the services of all the 17 of them including the claimant are terminated. It is not a case where some discrimination is perpetrated with regard to the claimant. The requirement of proficiency in typewriting was not only the requisite qualification but also a requirement of the job. If an employee is found to be not proficient in the job the termination of the employee's services cannot be said to amount to an unfair labour practice. It is true that in the subsequent employment notices proficiency in typewriting is only laid as a desirable qualification. But it cannot be said that the claimant who filed his application for appointment a few days preceeding the employment notice Ex. M 3 had no knowledge that for the post of Junior Traffic Assistant knowledge of typewriting was not an essential condition. Since he was also doing some typing in that job after appointment, it cannot be said that he was not given an opportunity to prove his proficiency by the time he was called for the test. The contention of the Management is that as there are no mala fides involved in the termination and in the circumstances as it is not a colourable exercise of power vested in Management, the opinion formed by it about the suitability of the claimant for the job assigned to him, even though erroneous, is final and is not subject to review by the industrial adjudication. Reliance is placed by a ruling of the Supreme Court reported in AIR 1972 S.C. page 1343 (AIR INDIA CORPORATION v. V. A. REBELLO). It is held therein:

“Where the record merely disclosed that the appellant (Air-India Corporation) had suspicion for the job in which he had to deal with Air hostesses and this led to loss of confidence in him with the result that his services were terminated under Regulation 48, the action cannot be considered to be mala fide. The opinion formed by the employer about the suitability of his employee for the job assigned to job in which he had to deal with Air-hostesses and not subject to review by the Industrial adjudications.”

In the light of the above discussion I hold that the order of termination is a bona fide one, as having regard to the job requirement and as a policy the management insisted upon the proficiency in typewriting, and not only this claimant but others who were wanting in such proficiency were removed or their services were terminated. Even the subjective opinion formed by the Management cannot be said to be erroneous when the objective data as to the nature of performance of the claimant is equally available. Thus the action of the Management in terminating the services of the claimant is held justified.

11. It was also the contention of the Management that this reference has come to be made erroneously by the Central Government whereas in the case of another workman whose services were similarly terminated, the very Government held that there are no grounds for reference to the Tribunal as the action of the Management was not mala fide. Ex. M 31 was relied upon in this context. The refusal to make a reference in a similar case does not have the effect of showing that this reference is bad.

12. Since the action of the Management was uniform in terminating the services of all those who had no proficiency in typewriting, the case of this claimant cannot be put on a separate par and thus no further opportunity to improve his efficiency in typewriting could be given. In the light of the above discussion holding the action of the Management justified, it is concluded that the claimant is not entitled to any relief.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 30th day of August, 1974.

INDUSTRIAL TRIBUNAL

APPENDIX OF EVIDENCE

Witnesses Examined
for Workmen :

WW 1 B Krishna Dev Singh.

Witnesses Examined

for Employers :

MW 1 Sanat Kumar Chatterjee.

Documents Exhibited for Workmen

- Ex. W 1 Letter dt. 26-3-68 of Indian Airlines Corporation, Madras addressed to Sri B. Krishna Dev Singh to appear for a written test on 7-4-68.
- Ex. W 2 Offer of the Indian Airlines, Madras dt. 23-4-68 to Sri B. Krishna Dev Singh to the post of Junior Traffic Assistant.
- Ex. W 3 Training centre—Assessment report of Sri B. Krishna Dev Singh during the period of training.
- Ex. W 4 Appointment order dt. 30-4-68/4-5-68 of Sri B. Krishna Dev Singh as Junior Traffic Assistant.
- Ex. W 5 Letter dt. 18-3-69 of Indian Airlines, Begumpet to Sri B. Krishna Dev Singh informing to report positively to Regional Director, Madras on 22-3-69.
- Ex. W 6 Letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri B. Krishna Dev Singh stating that his work is not upto standard and his services are no longer required with immediate effect.
- Ex. W 7 Reply of the Indian Airlines to the representation made by Sri B. Krishna Dev Singh on 21-5-69.
- Ex. W 8 Letter dt. 27-8-69 of Regional Labour Commissioner(C) Hyderabad addressed to Sri B. Krishna Dev Singh for his remarks, if any by 8-9-69.
- Ex. W 9 Conciliation failure report dt. 21-1-72 sent to the Government of India, Ministry of Labour, Employment and Rehabilitation, New Delhi, by the Assistant Labour Commissioner(C) Hyderabad.

Ex. W 10 Copy of the second application dt. 20-10-69 for the Junior Traffic Assistant post sent to the Indian Airlines by Sri B. Krishna Dev Singh.

Ex. W 11 Paper cutting of advertisement from the Indian Express dt. 11-4-69 for the posts of Junior Traffic Assistants etc. in Indian Airlines.

Ex. W 12 Paper cutting of advertisement from the Indian Express dt. 4-10-69 for the posts of Junior Traffic Assistants etc., in Indian Airlines.

Documents Exhibited for Employers

Ex. M 1 Application dt. 27-12-1967 of Sri B. Krishna Dev Singh for the post of Traffic Inspector in Indian Airlines.

Ex. M 2 True copy of the Provisional Certificate of B.A. degree examination of Sri B. Krishna Dev Singh.

Ex. M 3 Employment Notice No. 4 of 1968 dt. 10/11-1-1968 of Indian Airlines, Madras for the posts of Junior Traffic Assistants.

Ex. M 4 Employment Notice No. 9 of 1968 dt. 25-4-1968 of Indian Airlines, Madras for the posts of Junior Traffic Assistants.

Ex. M 5 Letter dt. 28-3-68/1-4-68 of Area Manager, Indian Airlines, General Administration Department, Personnel Section, Madras sent to the commercial Manager, Indian Airlines, Madras for the arrangement of advertisement of post of Traffic Assistant in Hindu and Indian Express (Madras issue only).

Ex. M 6 Typing test given by the Indian Airlines to Sri Nannu Prabhakar

Ex. M 7 Paper cutting advertised in news paper for the posts of Traffic Assistants

Ex. M 8 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri B. Krishna Dev Singh stating that his services are no longer required as his work is not upto standard

Ex. M 9 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Miss T. Vantha stating that her services are no longer required as her work is not upto standard.

Ex. M 10 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri G. Ramachander stating that his services are no longer required as his work is not upto standard.

Ex. M 11 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri R. Nannu Prabhakar stating that his services are no longer required as his work is not upto standard.

Ex. M 12 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri C. Venkataratnam stating that his services are no longer required as his work is not upto standard.

Ex. M 13 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri M. S. Ronnie Thampi Raj stating that his services are no longer required as his work is not upto standard.

Ex. M 14 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri S. Charley Nehru Roy stating that his services are no longer required as his work is not upto standard.

Ex. M 15 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri S. Lourdaswamy stating that his services are no longer required as his work is not upto standard

Ex. M 16 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri W. P. Rajkumar stating that his services are no longer required as his work is not upto standard.

- Ex. M 17 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri P. K. Kurian stating that his services are no longer required as his work is not upto standard.
- Ex. M 18 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri S. Indra Mohan stating that his services are no longer required as his work is not upto standard.
- Ex. M 19 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri Chocka lingam stating that his services are no longer required as his work is not upto standard.
- Ex. M 20 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri A. Orton stating that his services are no longer required as his work is not upto standard.
- Ex. M 21 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri N. Krishnan stating that his services are no longer required as his work is not upto standard.
- Ex. M 22 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri David Manickam stating that his services are no longer required as his work is not upto standard.
- Ex. M 23 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri M. Bhaskar Rao stating that his services are no longer required as his work is not upto standard.
- Ex. M 24 Copy of the letter dt. 9/14-4-69 of Indian Airlines, Madras addressed to Sri A. J. Morris stating that his services are no longer required as his work is not upto standard.
- Ex. M 25 List of Junior Traffic Assistants who are directed to report to Regional Director's Office, Madras at 12-30 hrs on 22-3-69.

- Ex. M 26 Appeal dt. 21-5-69 made by Shri B. Krishna Dev Singh to the General Manager, Indian Airlines, New Delhi regarding his reinstatement.
- Ex. M 27 Copy of the letter dt. 17-3-70 of Under Secretary, Ministry of Labour, Employment and Rehabilitation, New Delhi addressed to the Area Manager, Indian Airlines, Madras and to Sri R. Nannu Prabhakar stating that the Government of India does not consider fit to refer the matter of Sri Prabhakar to the Industrial Tribunal for adjudication as the action of the Management was not mala fide.
- Ex. M 28 Typing test given by the Indian Airlines to Sri B. Krishna Dev Singh.
- Ex. M 29 Appointment order dt. 30-4-68/4-5-68 of Sri B. Krishna Dev Singh as Junior Traffic Assistant.
- Ex. M 30 Original Enquiry Report.
- Ex. M 30(a) Photostat copy of the enquiry report.
- Ex. M 31 Copy of the letter dt. 17-3-70 of Under Secretary, Ministry of Labour, Employment and Rehabilitation, New Delhi addressed to the Area Manager, Indian Airlines, Madras and to Sri R. Nannu Prabhakar stating that the Government of India does not consider fit to refer the matter of Sri Prabhakar to the Industrial Tribunal for adjudication as the action of the Management was not mala fide.

T. NARASING RAO, Presiding Officer

[No. L 11011/3/72-IRIII]

R. KUNJITHAPADAM, Under Secy.

